

RSNL1990 CHAPTER M-12

MINERAL ACT

[Paragraph 4(1)(a), subsections 4(2), (3) & (4) and [section 44](#) to be proclaimed - (See subsection 4(5) and 44(2))];

Amended:

[1991 c36 s74](#); [1992 cF-7.1 s20](#); [1992 c41](#); [1994 c14](#); [1995 c11](#);
[1995 c12](#); [1997 c13 s44](#); [1998 c14](#); [1999 cM-15.1 s25](#); [2000 c10](#);
[2002 cW-4.01 s101](#); [2004 c17](#); [2004 cL-3.1 s48](#); [2006 c40 s21](#); [2008 c53](#); [2014 c13](#); [2023 c25](#)

CHAPTER M-12

AN ACT RESPECTING THE ACQUISITION OF RIGHTS TO MINERALS IN THE PROVINCE

Short title

1. This Act may be cited as the *Mineral Act*.

1975-76 No44 s1

Interpretation

2. (1) In this Act,

- (a) "assessment work" means the prescribed work required to be carried out under a licence;
- (b) "board" means the Mineral Rights Adjudication Board appointed under [section 37](#);
- (c) "certificate" means a certificate of compliance issued under [section 29](#);
- (d) "department" means the department presided over by the minister;
- (e) "lands open to staking" has the meaning ascribed to that term by subsection 7(1);
- (f) "mineral" means a naturally occurring inorganic substance including coal and minerals contained in mine tailings, but does not include
 - (i) water,

- (ii) quarry materials as defined in the *Quarry Materials Act*,
- (iii) stratified deposits other than coal from which oil can be extracted by destructive distillation, or
- (iv) petroleum as defined in the *Petroleum and Natural Gas Act*;
- (g) "minister" means the minister appointed under the *Executive Council Act* to administer this Act; and
- (h) "recorder" means the mineral claims recorder appointed under subsection 16(1).

(i) [Rep. by [1997 c13 s44](#)]

(2) A reference in this Act

(a) to a licence is a reference to a map staked licence issued or extended under this Act; and

(b) to a lease, is a reference to a mining lease issued or extended under this Act.

(3) An order made under this Act may be revoked, varied or amended in the same manner as it is made.

1975-76 No44 s2; 1987 c28 Sch C; 1989 c23 Sch B; 1990 c17 s1; 1995 c12 s1; 1997 c13
s44; 2006 c40 s21; 2008 c53 s1; 2023 c25 s1

Rep. by [2008 c53 s2](#)

3. [Rep. by [2008 c53 s2](#)]

[2008 c53 s2](#)

Application

4. (1) Except where this Act provides to the contrary, this Act applies to all land and land under water within the province, the minerals, in, on or under which, are vested in the Crown, except

(a) all land and land under water, the minerals, in, on or under which, are subject to a licence, permit, lease or agreement, relating to or affecting those minerals on July 12, 1977 because of being issued or continued under the Act repealed by this Act or by or under another Act, but only until expiry of the current term of the licence, permit, lease or agreement, notwithstanding a covenant, an undertaking or a right arising in respect of an extension or renewal of the term created in the licence, permit, lease or agreement; and

(b) all land and land under water the minerals of which are exempted from the application of this Act by the regulations.

(2) Notwithstanding paragraph (1)(a), this Act applies to land where there are, in, on or under it, minerals that are the property of the Crown.

(2.1) Notwithstanding subsection (1), this Act is subject to the *Water Resources Act* .

(3) The holder of a licence, permit, lease or agreement referred to in paragraph (1)(a) who wishes to obtain a licence, mining lease or demise of surface rights under this Act may, during the currency of the licence, permit, lease or agreement, apply to the minister for a licence, mining lease or demise of surface rights to the land, and land under water, the minerals, in, on or under which are subject to the licence, permit, lease or agreement relating to it and the holder of the licence, permit, lease or agreement who so applies has a right to the issuing of, and the minister shall issue, a licence, mining lease or demise of surface rights under this Act for the period that is prescribed or permitted under this Act, provided that the terms, provisions and conditions of or pertaining to the licence, permit, lease or agreement have been complied with during its currency.

(4) The provisions of this Act, except where they refer to or relate to a licence under this Act, shall apply to a mining lease issued under subsection (3).

(5) Paragraph (1)(a) and subsections (2), (3) and (4) come into force on a day to be proclaimed by the Lieutenant-Governor in Council.

1975-76 No44 s4; 1980 c35 s1; 1990 c17 s2; 1992 c41 s1; 2002 cW-4.01 s101

Labrador Inuit rights

4.1 (1) Notwithstanding [section 4](#), this Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

(2) Where, under this Act or regulations made under this Act, the minister issues, extends or renews a licence, lease or approval, the minister may add to that licence, lease or approval terms and conditions that the holder of the licence, lease or approval must comply with in order to ensure compliance with the provisions, terms and conditions of the *Labrador Inuit Land Claims Agreement Act*.

2004 cL-3.1 s48; 2023 c25 s2

Report of search

5. (1) A person who searches for minerals in, on or under land and land under water, whether or not the minerals are vested in the Crown, or who is engaged in pre-production and development activities in relation to a mineral deposit shall, on or before March 15 of the year following the calendar year in which the search is carried out or the activities are engaged in, submit a report to the minister, in a form approved by the minister, containing

- (a) the nature and type of work carried out;
- (b) the costs incurred;
- (c) the locations of the active projects;
- (d) the name and address of the person carrying out the work;
- (e) the number of persons employed and a summary of the salaries and wages paid; and
- (f) a summary of all other expenditures.

(2) Where a search referred to in subsection (1) is done by diamond drilling or other boring method, the report shall contain, in the manner prescribed by regulation

- (a) a copy of the logs of each boring including its location, direction, inclination and the geological nature of the rocks penetrated;
- (b) a copy of the record of samples taken and the results of assays made of those samples;
- (c) a map showing the geographical location and elevations of the collar of each boring;
- (d) a copy of sections, profiles or horizontal projections of each boring;
- (e) the location and disposition of diamond drill core or cuttings; and
- (f) the name and address of the person who performed the diamond drilling or other boring.

(3) Subsection (2) does not apply where, in the opinion of the minister, a report containing the information required under that subsection has been submitted to the minister.

(4) A person who intends to conduct a search for minerals on areas either licensed or leased under this Act shall submit a description of the planned exploration work before starting the work, and when that work involves an activity that the department considers capable of causing ground disturbance, water quality impairments or disruption to wildlife or wildlife habitat, the work shall begin only after the department has issued an exploration approval with terms and conditions prescribed by the minister.

(5) A person who begins work without an exploration approval or who fails to comply with the terms and conditions of an exploration approval under subsection (4) commits an offence.

1980 c35 s1; 1990 c17 s3; 1992 c41 s2; 1998 c14 s1; 2023 c25 s3

Registration

6. (1) Notwithstanding another Act or law, a transfer, assignment, pledge, mortgage, lease or other conveyance or assignment of, or agreement relating to, minerals or rights to or in respect of minerals in, on or under land and land under water wherever situated in the province, whether or not that land and water is vested in the Crown, is not valid and does not have an effect in law until it is registered by the recorder and the registration fee prescribed by the minister is paid.

(2) The recorder may refuse to register a document described in subsection (1) where a party to the document is, in the opinion of the recorder, in contravention of this Act or the regulations at the time the document is presented for registration.

(3) When the recorder registers a document described in subsection (1) the recorder shall issue a receipt evidencing the registration and that receipt is, in the absence of evidence to the contrary, proof that the document has been registered.

1980 c35 s2; 1997 c13 s44; 2023 c25 s4

Classification of lands

7. (1) This Act applies to lands which are lands open to staking, that is to say, lands in respect of which the recorder has a duty to issue to a person with respect to the minerals in, on or under those lands a map staked licence if the provisions of this Act and the regulations for issuing the licence are complied with.

(2) All lands which were open to staking under the law existing before July 12, 1977 are considered to be lands open to staking for the purposes of this Act.

(3) [Rep. by 1997 c13 s44]

1975-76 No44 s6; 1997 c13 s44; 2008 c53 s3

Rep. by 1997 c13 s44

8. [Rep. by 1997 c13 s44]

1997 c13 s44

Rep. by 2008 c53 s4

9. [Rep. by 2008 c53 s4]

2008 c53 s4

Rep. by 1997 c13 s44

10. [Rep. by [1997 c13 s44](#)]

[1997 c13 s44](#)

Right to stake

11. (1) A person may stake out a claim to minerals in, on or under land where

- (a) the minerals have been reserved by the Crown in a sale, grant or lease of the land; or
- (b) the title to the land has been acquired by a person by adverse possession.

(2) Notwithstanding subsection (1), a person may only stake out a claim to minerals in, on or under land where the land is not at the time

- (a) staked or eligible to be recorded as a mineral claim; or
- (b) withdrawn from staking by an Act or a regulation made under an Act.

(3) The minister may suspend a person's right to stake out claims under this section where the person has not complied with subsection 21(2.1) in respect of any application for a licence.

(4) Where a person referred to in subsection (3) satisfies the minister that the person has complied with subsection 21(2.1), the minister shall reinstate the person's right to stake out claims under this section.

[1990 c17 s4](#); [2004 c17 s1](#); [2023 c25 s5](#)

Limited right to search

12. (1) A person shall not search, prospect or explore for minerals or stake a claim to minerals in or upon land to which this Act applies

- (a) if the minerals are subject to a licence or lease in favour of another person, without the consent of that person;
- (b) in the case of land vested in the Crown in right of the province, other than Crown land within the meaning of the [Lands Act](#), unless the consent of the minister is obtained; or
- (c) in the case of lands, administration and control of which are vested in the Crown in right of Canada , unless the consent of the Government of Canada is obtained.

(2) A person shall not search, prospect or explore for minerals in or upon land to which this Act applies not vested in the Crown unless the consent of the owner, lessee or other person having a legal or equitable interest in that land is obtained.

[1975-76 No44 s10](#); [1977 c58 s1](#); [1983 c22 s3](#); [1990 c17 s5](#); [1991 c36 s74](#)

Order permitting search

13. Notwithstanding subsection 12(2), where an owner, lessee, or other person having a legal or equitable interest in land

- (a) refuses to give consent as needed under subsection 12(2); or
- (b) is unable to be found to give consent,

the minister may by order dispense with the need for the consent of the person having an interest, and upon the making of that order the person named in the order may enter the land described in the order for the purpose of

searching, prospecting, exploring for minerals in, under or upon that land as if that person had the consent of the person who has the interest.

1990 c17 s6; 1995 c12 s2; 2023 c25 s6

Compensation

14. (1) A person who searches, prospects or explores for minerals or stakes a claim to minerals in, on or under land not vested in the Crown shall pay compensation to the owner, lessee or other person having an interest in the land for injury or damage caused to the surface rights by the searching, prospecting or exploring.

(2) The amount of compensation payable under subsection (1) may, in default of agreement between the parties, be fixed by a judge of the Supreme Court and the judge may also determine the time and manner of payment.

(3) A party who wishes to have the amount of the compensation fixed by a judge under subsection (2) shall, before making application to the judge, give to all interested persons 14 days' written notice of particulars of the application.

(4) Where the compensation fixed under subsection (2) exceeds \$1,000 either party may appeal to the Court of Appeal from the order of the judge, otherwise an appeal does not lie against the order.

(5) A judge before whom a proceeding is taken under subsection (2) may order a person from whom the compensation is claimed to give security for the payment of an amount which may be fixed and may, pending the termination of the proceeding, prohibit further searching, prospecting, exploring or staking by the person from whom the compensation is claimed or by a person claiming under that person.

(6) Where an order of prohibition is made under subsection (5), the time within which the person is required to perform work or to file reports and statements under a requirement of this Act, the regulations or a licence is extended for a period of 90 days or the period during which the order of prohibition is in effect, whichever is the lesser.

1990 c17 s6; 2008 c53 s5; 2023 c25 s7

Confidentiality of information

15. (1) Subject to an Act of the province relating to the compilation of data, completion of statistics or an agreement between this province and another province or the Government of Canada relating to the exchange of confidential information under that Act, information that is required to be given under this Act shall be made available only

- (a) to persons permitted by this Act to receive that information or authorized by the minister to receive that information;
- (b) to persons that the person giving the information may consent to receiving the information; or
- (c) for the purpose of assessment or imposition of a tax imposed after receipt of the information upon the person giving the information.

(2) Except with respect to information compiled under [section 5, subsection \(1\)](#) stops applying to information after the expiry of 3 years from the day that the information was given under this Act.

(3) Notwithstanding subsections (1) and (2), where information has been given under this Act in respect of a mineral that is subject to a licence or lease from the Crown, that information may be made available by the minister after the termination, surrender or expiration of the licence or lease regardless of the time when the information was given.

- (4) Subsection (1) does not apply to information of the following kinds:

- (a) the numbers of people employed;
- (b) the amount and nature of work done;
- (c) expenditures of money;
- (d) the qualifications or skills of persons who are employed;
- (e) the residences or places of origin of persons who are employed; or
- (f) information that in the opinion of the minister is similar to the information described in paragraphs (a) to (e).

(5) Notwithstanding a provision contained in another Act or in an agreement, whether or not it was passed or entered into before July 12, 1977, respecting the confidentiality of information provided to the department under that Act or agreement, this section applies to that information as if it had been provided under this Act.

1975-76 No44 s12; 1977 c58 s2; 1980 c35 s4; 1983 c22 s5; 1990 c17 s7

Mineral claims recorder

16. (1) There shall be appointed as an officer of the department in the manner provided by law, a mineral claims recorder to implement the powers, functions and duties conferred upon the recorder under this Act and to help the minister in the proper administration of this Act.

(2) There may be employed as officers of the department those officers, clerks and other employees that the minister considers necessary to help the minister and the recorder in the proper administration of this Act.

1975-76 No44 s13

Duties of recorder

17. (1) The recorder shall carry out and implement the powers, functions and duties conferred or imposed on the recorder by this Act and the regulations, and in addition shall keep and maintain

- (a) a register of all applications made under this Act for licences and leases;
- (b) a register of licences;
- (c) a register of leases;
- (d) a register of transfers and mortgages; and
- (e) other registers that may be prescribed for the registration of documents issued under this Act.

(2) It is the duty of the recorder to issue all licences under this Act, and to keep and maintain copies of those licences as well as all leases issued by the minister under this Act together with other documents that may be prescribed by regulation.

(3) Members of the public have, upon payment of a fee, which may be prescribed by the minister, a right to enter the offices of the department at reasonable times to view the registers referred to in subsection (1) and to examine copies of all licences and leases, and of other documents kept and maintained by the recorder under subsection (2) that may be prescribed by regulation to be open to view.

(4) The recorder shall, upon payment of the fee prescribed by the minister, issue to a person making application for it, a copy of a licence, lease or other document open to view by members of the public, or an extract of an entry made in the registers kept and maintained under subsection (1).

Reports of mineral surveys

18. (1) A person, other than the holder of a valid licence or lease, who conducts a mineral survey in, on or under land to which this Act applies, and does not within 12 months from the date of the completion of the mineral survey acquire a licence to the land surveyed or a part of the land surveyed, shall, within 12 months from the date of the completion of the survey, submit a detailed report of the survey in a form approved by the minister, containing matters which the minister may specify, including the cost of the survey, the location of and class of a mineral found in, on or under the land.

(2) A person who fails to provide a report of a survey required under subsection (1) is guilty of an offence under this Act.

1975-76 No44 s15; 1980 c35 s5; 1982 c56 s1

Inspections

19. The minister, or a person authorized by the minister, may at a reasonable hour and without prior notification, enter upon land to which this Act applies in order

- (a) to inspect that land and the activities being carried out on the land for the purposes of ensuring that this Act and the regulations are being complied with; or
- (b) to carry out geological, geochemical or geophysical surveys.

1980 c35 s6; 2023 c25 s8

Right to licences

20. A natural person, 19 years of age or more, and a corporation has the right to obtain a map staked licence to land open to staking.

1997 c13 s44; 2008 c53 s6

Application for licence; acceptance

21. (1) An application for a licence in a form which the minister may approve shall be submitted to the recorder, but an application shall not be accepted by the recorder unless

- (a) it is completed in a manner satisfactory to the recorder;
- (b) it is accompanied by documentation and licence fees that may be prescribed by the minister;
- (c) the applicant has complied with all the provisions of the regulations respecting
 - (i) the accompanying security deposit, and
 - (ii) the procedures to be followed when submitting applications;
- (d) [Rep. by 2008 c53 s7]
- (e) another application has not been accepted for the same land;
- (f) another licence or lease is not in force under this Act with respect to the land;
- (g) the land that has been applied for is not the subject of a grievance filed under [section 39](#); and

(h) the applicant has complied in all respects with this Act and the regulations.

(2) Upon acceptance of an application for a map staked licence, the recorder shall provide confirmation of acceptance to the applicant.

(2.1) An applicant for a licence shall not cancel, withdraw or in any way retract or reverse payment of a licence fee or security deposit without the approval of the recorder.

(2.2) Notwithstanding subsection (2), where an area is made available for staking following rescinding of a regulation under paragraph 4(1)(b) or a notice under section 27, applications for licences for portions or all of the area coming open for staking may be submitted under subsection (1).

(3) [Rep. by [2008 c53 s7](#)]

(4) [Rep. by [2008 c53 s7](#)]

(5) [Rep. by [2004 c17 s2](#)]

[1975-76 No44 s17](#); [1980 c35 s7](#); [1990 c17 s8](#); [1992 cF-7.1 s20](#); [1992 c41 s3](#); [1997 c13 s44](#); [1998 c14 s2](#); [2004 c17 s2](#); [2008 c53 s7](#)

Issuing of licence

22. (1) Upon acceptance of an application for a licence, the recorder shall as soon as practicable issue the licence to the applicant.

(2) Notwithstanding subsection (1), a licence shall not be issued by the recorder until the expiry of 30 days from the date of acceptance of the application.

(3) A licence issued by the recorder

(a) shall contain a plan or description of the area of land covered by the licence; and

(b) is issued subject to this Act and the regulations, the terms and conditions set out in Schedule A and other terms and conditions that may be set out in the licence or that may be prescribed by regulation.

(4) [Rep. by [2008 c53 s8](#)]

[1975-76 No44 s18](#); [1980 c35 s8](#); [1983 c22 s6](#); [1998 c14 s3](#); [2008 c53 s8](#); [2014 c13 s1](#)

Exclusive right to explore

23. (1) Subject to the terms under which a licence is issued, the licensee has the exclusive right to explore for minerals, in, on or under the area of land described in the licence from the date of issuing for the period of 5 years.

(2) A licence confers no right to remove minerals except for the purpose of sampling, assaying and testing, and a licensee who removes or sells minerals in contravention of this section

(a) commits a material breach of the terms of the licence; and

(b) is guilty of an offence under this Act.

[1975-76 No44 s19](#); [1997 c13 s44](#)

Assignment permitted

24. (1) Nothing in this Act shall prevent the holder of a licence from transferring, assigning, mortgaging, pledging or conveying that licence to another person if [section 6](#) is complied with, but a transfer, assignment,

mortgage, pledge or conveyance of the minerals in, on or under part of the area covered by the licence is not valid unless the written approval of the minister is obtained and is filed with the document presented for registration under section 6.

(2) The minister may withhold approval under subsection (1) where the holder of the licence has not complied with subsection 21(2.1) in respect of any application for a licence until the minister is satisfied that those requirements have been met.

1975-76 No44 s20; 2004 c17 s3; 2023 c25 s9

Surrender of licence

25. (1) Nothing in this Act shall prevent the holder of a licence from surrendering the licence or part of the area covered by a licence during its currency by delivering a notice of surrender to the recorder, but

(a) notwithstanding the surrender, the licensee shall deliver to the minister copies of all information and reports in the licensee's possession respecting exploration carried out before the date of the surrender; and

(b) [Rep. by 2008 c53 s9]

(c) where part of the area covered by a map staked licence is surrendered, all the area being retained must fall within the boundaries of the original description contained in the licence.

(2) [Rep. by 1997 c13 s44]

1975-76 No44 s21; 1977 c58 s3; 1980 c35 s9; 1990 c17 s9; 1997 c13 s44; 2008 c53 s9; 2023 c25 s10

Splitting licences

25.1 (1) The holder of a licence may at any time during the currency of the licence request to have the licence split into 2 or more smaller licences and new sketches for the smaller licences shall be submitted by the licence holder.

(2) Excess assessment work credit for the original licence shall be proportionally assigned to the new licences.

(3) The date of issuance of the new licences shall be considered to be the same as for the original licence for which the split was requested.

1998 c14 s4; 2008 c53 s10

Conversion to map staked licence

25.2 (1) All ground staked licences issued before the coming into force of this section are converted to map staked licences.

(2) The recorder shall issue to the holder of a ground staked licence referred to in subsection (1) a map staked licence in respect of all full map staked claims within the area included in the ground staked licence being converted.

(3) Where the boundaries of the ground staked licence referred to in subsection (1) include a fraction of a map staked claim, the boundaries of the licence issued under this section shall include the full map staked claim, unless another ground or map staked licence held by a different person also includes a fraction of the same map staked claim.

(4) Where the boundaries of 2 or more ground or map staked licences held by different persons include fractions of the same map staked claim, the boundaries within that map staked claim of a licence issued under this section shall remain the boundaries established on the ground.

(5) A map staked licence issued under this section shall be considered to have the same date of issuance as the ground staked licence being converted.

(6) The recorder shall, as soon as is practicable, issue a map staked licence under this section in accordance with subsection 22(3).

2004 c17 s4

Cancellation of a licence

26. (1) The minister may cancel a licence issued under this Act upon being satisfied

- (a) that the licensee is in breach of or has failed to fulfil, perform or observe the terms and conditions of or pertaining to the licence;
- (b) that the licence was issued as a result of or consequent upon a material misrepresentation by the applicant for the licence; or
- (c) that the licensee is insolvent, declared bankrupt or has committed an act of bankruptcy.

(2) The minister shall cause the recorder to notify the licensee immediately, either by personal service effected by the sheriff or by registered mail, of the cancellation made under subsection (1), and that notification shall state the grounds upon which the cancellation was made and the reasons for that cancellation.

1975-76 No44 s22

Reinstatement of licence

26.1 (1) Where a licence is cancelled under [section 26](#) for failure to submit an annual assessment report, the minister may reinstate the licence where, no later than 30 days after the date on which the licence was cancelled, the licensee

- (a) submits to the minister
 - (i) an application for reinstatement,
 - (ii) the fee prescribed by the minister, and
 - (iii) the annual assessment report and account of expenditures showing that the assessment work was completed as required under this Act and the regulations; and
- (b) pays the greater of
 - (i) \$1,000, or
 - (ii) \$100 per map staked claim held under the licence.

(2) Where a licence is cancelled as a result of an error by the department, the minister may reinstate the licence where, no later than 30 days after the date on which the licence was cancelled,

- (a) the error is discovered by the recorder; or
- (b) the error is discovered by the licensee and the licensee notifies the recorder of the error.

2023 c25 s11

Effect of surrender

27. (1) Where a licence, lease or grant is surrendered, has been cancelled, has lapsed or expired under this or another Act, or where part of the land contained within the area of a licence, lease or grant is surrendered, the rights to it are cancelled or have lapsed or expired, all the minerals in, on or under the land affected by the cancellation, surrender, lapse or expiry following the disposition of adjudication proceedings to which the licensee, lessee or owner is entitled to under [section 39](#), are available for application in accordance with this Act as if no licence, lease or grant had been issued in respect of that land.

(2) Land shall not be made available for application under subsection (1) until after the expiry of a period of publication or display by the recorder of the surrender, cancellation, lapse or expiry of land, that may be prescribed by regulation.

(3) Notwithstanding subsection (1), when all or part of the land contained within the area of a licence, lease or grant is surrendered or otherwise becomes available for staking, an adjacent fractional map staked claim included in a coterminous map staked licence shall become a full claim, regardless of who holds the map staked licence.

[1992 c41 s4](#); [2000 c10 s2](#)

Extension of licence - 20 years or less

28. (1) A licence issued under [section 22](#) may be extended a maximum of 3 times for a period of 5 years each where the licensee

(a) submits to the minister before the expiry of the licence

(i) an application for extension,

(ii) the documentation prescribed by the minister, and

(iii) the fee prescribed by the minister;

(b) has complied with all the terms, provisions and conditions of the licence during its currency; and

(c) has either

(i) filed with the recorder a report of the assessment work and account of expenditures required by Condition 3 of Schedule A for the fifth year of the term of the licence, or

(ii) has been granted an extension under Condition 2 of Schedule A.

(2) An extension of a licence under this section may be issued

(a) for the total area of land covered by the licence; or

(b) for the lesser area that may be contained in the application for extension if the area is surrendered as provided under [section 25](#).

(3) Notwithstanding subsection (1), a licence extended under this section is subject to the following conditions during the period of extension:

(a) that for each 12 month period of the extension, the licensee shall carry out the assessment work prescribed by regulation for the extension instead of the assessment work required for the original term of the licence; and

(b) the licensee shall fulfill all the terms and conditions of or pertaining to the licence as originally granted.

(4) The term of a licence shall expire 5 years after the date on which the original licence was granted or extended.

2014 c13 s2

Extension of licence - more than 20 years

28.1 (1) A licence that has been extended 3 times under [section 28](#) may be extended under this section for additional one year periods where the licensee

- (a) submits to the minister before the expiry of the licence
 - (i) an application for extension,
 - (ii) the documentation prescribed by the minister, and
 - (iii) the fee prescribed by the minister;
- (b) has complied with all the terms, provisions and conditions of the licence during its currency; and
- (c) has either
 - (i) filed with the recorder a report of the assessment work and account of expenditures required by Condition 3 of Schedule B, or
 - (ii) has been granted an extension under Condition 2 of Schedule B.

(2) An extension of a licence under this section may be issued

- (a) for the total area of land covered by the licence if the area is 100 coterminous map staked claims or less; or
- (b) for the lesser area that may be contained in the application for extension if the area is surrendered as provided under [section 25](#).

(3) A licence extended under this section shall

- (a) be limited to 100 coterminous map staked claims;
- (b) not be grouped with other licences issued under this Act; and
- (c) be subject to the terms and conditions set out in Schedule B.

(4) Notwithstanding subsection (1), a licence extended under this section is subject to the following conditions during the period of the extension:

- (a) the licensee shall carry out the assessment work prescribed by regulation for the extension instead of the assessment work required for the original term of the licence; and
- (b) the licensee shall fulfill all the terms and conditions of or pertaining to the licence as originally granted.

(5) The term of a licence extended under this section shall expire one year after the date on which the licence was extended.

(6) A licence that had been extended 3 times under [section 28](#) and that expired between March 12, 2014 and the coming into force of this section is considered not to have expired and shall be valid for 6 months after the coming into force of this section unless an extension under this section is granted earlier.

Extension of expired licence

28.2 (1) Where a licence expires for failure to extend under [section 28](#) or [28.1](#), the minister may extend the licence where, no later than 30 days after the date on which the licence expired, the licensee

(a) submits to the minister

(i) an application for extension under [section 28](#) or [28.1](#),

(ii) either,

(A) for an extension under [section 28](#), the documentation required under subparagraph 28(1)(a)(ii) and proof, satisfactory to the minister, that the requirements of paragraphs 28(1)(b) and (c) have been satisfied, or

(B) for an extension under [section 28.1](#), the documentation required under subparagraph 28.1(1)(a)(ii) and proof, satisfactory to the minister, that the requirements of paragraphs 28.1(1)(b) and (c) have been satisfied, and

(iii) the fee prescribed by the minister; and

(b) pays the greater of

(i) \$1,000, or

(ii) \$100 per map staked claim held under the licence.

(2) Where a licence expires as a result of an error by the department, the minister may extend the licence where, no later than 30 days after the date on which the licence expired,

(a) the error is discovered by the recorder; or

(b) the error is discovered by the licensee and the licensee notifies the recorder of the error.

(3) A licence extended under this section shall be considered to be extended from the date of expiry of the original term of the licence or the prior extension of the licence.

2023 c25 s13

Certificate of compliance

29. (1) The holder of a licence may apply to the minister for a certificate stating that all the terms, provisions and conditions of or pertaining to the licence for a year during its currency have been complied with, and the minister, upon being satisfied that the facts to be contained in the certificate are true, shall issue the certificate to the licensee upon payment of a fee that may be prescribed by the minister.

(2) In the absence of fraud or mistake, a certificate issued under subsection (1) is final and conclusive evidence that the holder of the licence has complied with all the terms, provisions and conditions of or pertaining to the licence for the year covered by the certificate.

1975-76 No44 s25; 1997 c13 s44

Disposition of exempted lands

30. (1) Mineral rights in, on or under land and land under water that are exempted from the application of this Act by the regulations may be disposed of by the minister by public tender through notice in the *Gazette* and a newspaper of general circulation throughout the province as mineral rights available to be licensed.

(2) A disposition by the minister under subsection (1) may be by way of licence, on terms and conditions at least equivalent to those applicable to an extended licence granted under this Act, or mining lease on terms and conditions at least equivalent to a mining lease otherwise granted under this Act and for a term not to exceed 25 years.

(3) A person who holds a licence under this section may apply for a mining lease under this Act, on terms and conditions at least equivalent to a mining lease otherwise granted under this Act and for a term not to exceed 25 years.

1980 c35 s11; 1990 c17 s11; 1994 c14 s1; 2008 c53 s12

Mining lease

31. (1) A holder of a licence who wishes to obtain a mining lease of the unalienated minerals in, on or under the land or part of the land covered by the licence must insure that an application for the lease is received by the minister during the currency of the licence.

(2) A holder of a licence who delivers an application under subsection (1) has a right to the issuing of a mining lease for the reasonable period, not exceeding 25 years, that the minister may determine, but only if the following provisions of this section are complied with.

(3) A person shall not obtain a mining lease under this section unless

(a) all the terms, provisions and conditions of or pertaining to the licence held by the applicant for the lease have been complied with during its currency;

(b) the person has

(i) submitted a survey of the perimeter of the area covered by the application which has been carried out by a qualified land surveyor,

(ii) submitted a certified plan of survey with the surveyor's notes and a proper description of the land described in the application for the lease;

(b.1) the person has demonstrated to the satisfaction of the minister, including through the confirmation of a qualified person, the existence of a mineral resource that is of sufficient size and quality to be potentially economic;

(c) the land is marked in the manner prescribed by regulation; and

(d) the lease covers the minimum area necessary to cover the identified resource.

(3.1) A "qualified person" referred to in paragraph (3)(b.1) is a person who

(a) is an engineer or geoscientist with at least 5 years of experience in mineral exploration, mine development or operation or mineral project assessment or a combination of these,

(b) has experience relevant to the subject matter of the mineral project and the technical report, and

(c) is a member in good standing of a professional association for engineers or geoscientists.

(4) Notwithstanding subsection (3), where the licence held by the applicant for a lease has existed for a period of 3 years or less, a lease shall not be issued under this Act until all the assessment work required for the first 3 years of the licence has been completed and all reports required by this Act and the regulations respecting that assessment work and accounts of expenditure are made for those years.

(5) A lease issued under this Act

(a) must be signed by the minister and the person holding it as lessee;

(b) is subject to the following conditions:

- (i) that the lessee pays in advance an annual rental of an amount calculated in accordance with the formulae prescribed by regulation for the area of land to which it applies,
 - (ii) that the lessee shall start mineral production capable of extracting a mineral or a mineral ore in saleable quantities within 5 years from the date of the beginning of the lease and maintain that production without cessation except for a period totalling 5 years during the remainder of the period covered by the lease,
 - (iii) that the minister, and the other officers of the department that are authorized by the minister, having a right at reasonable times to enter a mine being operated by the lessee or land held by the lessee in connection with the working of the minerals demised by the lease and to search, view, inspect and inquire into the condition of that mine or land and to inspect the books of account relating to the working of a mine and minerals or mineral ores being extracted from the land described in the lease,
 - (iv) that the lessee fulfils and observes the requirements of all statutes of the province and of Canada and regulations, orders and directions made under those statutes in respect of or relating to the premises demised by the lease, including environmental control, maintenance of health, building and operational standards, the making of returns and reports and the doing or refraining from doing a matter or thing required to be done or not to be done under or by those statutes,
 - (v) that the lessee complies with all provisions prescribed by regulation pertaining to the lease,
 - (vi) that the lessee shall, where ordered to do so by the Lieutenant-Governor in Council, complete primary production, in whole or in part, in the province, of a mineral or mineral ore extracted or removed under the lease, and
 - (vii) that the lessee shall comply with those other terms and conditions that the minister may impose;
- (c) subject to the conditions referred to in paragraph (b), confers upon the lessee the exclusive right to develop, extract, remove, deal with, sell, mortgage or otherwise dispose of all the unalienated minerals, or those specified in the lease, in, on or under the land described in the lease; and
- (d) may, only if the lessee is in full compliance with the terms of the lease, be assigned or, in relation to a specific mineral or class of mineral, sublet to a person with the consent of the minister, which consent shall not be unreasonably withheld.

(6) The minister shall renew a lease for a further term not exceeding 10 years from the date of expiry of the original term of the lease or prior extension of the lease where a lessee

- (a) submits a written application no later than 3 months before the expiration of the term of a lease or 3 months before the expiration of a subsequent term;
- (b) has complied with the terms and conditions of the lease; and
- (c) has demonstrated to the satisfaction of the minister, including through the confirmation of a qualified person, the existence of a mineral resource that is of sufficient size and quality to be potentially economic.

(7) A lease renewed under subsection (6) may be subject to the terms and conditions that the minister considers appropriate.

1998 c14 s5; 2008 c53 s13; 2014 c13 s4

Purpose and order

31.1 (1) For the purpose of this Act, mineral and mineral ores in the province are considered to be an exhaustible resource which need to be conserved and utilized in a manner which maximizes the benefit for the province, its population and economy or for regional economic development.

(2) The Lieutenant-Governor in Council may, where it is of the opinion that as a matter of public convenience or general policy it is in the best interest of the province, order a person holding a lease issued under [section 31](#) to complete primary production, in whole or in part, in the province, of a mineral or mineral ore extracted or removed under that lease, and may vary or rescind that order.

(3) The Lieutenant-Governor in Council may by order exempt the holder of a lease from completing primary production, in whole or in part, in the province, on those terms and conditions as may be prescribed by that order and may rescind that order.

(4) For the purpose of this Act, "primary production" means production resulting from smelting, processing or refining a mineral or mineral ore and includes the concentrating and milling of any mineral or mineral ore and all metallurgical operations in which metal or minerals are separated from those impurities with which they may be chemically combined or physically mixed.

[1998 c14 s5](#)

Waiving of obligations

32. The minister may, upon being satisfied upon reasonable cause shown that a lessee is unable to comply with the obligations contained in subparagraph 31(5)(b)(ii), relieve the lessee of the obligations for a period and on the terms and conditions that the minister considers appropriate.

[1998 c14 s6](#); [2008 c53 s14](#)

Right to a demise of surface lands

33. (1) Where the minister is obliged to issue a lease under this Act in respect of minerals in, on or under land the surface of which is vested in the Crown, or access to which cannot reasonably be obtained except through lands vested in the Crown, the minister in consultation with the minister appointed under the [Executive Council Act](#) to administer the [Lands Act](#) shall issue to the lessee upon terms and conditions that the minister in consultation with the minister appointed under the [Executive Council Act](#) to administer the [Lands Act](#) may determine, a demise of surface or other rights, including rights-of-way that may be reasonably necessary to enable the lessee to implement the obligations imposed upon the lessee under the lease and to carry out mineral exploration, mining operations or mineral processing and development in, on or under the land covered by the lease.

(2) A demise of surface or other rights, including rights-of-way granted under this section, shall not extend beyond the period covered by the lease.

[1975-76 No44 s28](#); [2008 c53 s15](#)

Power of government to acquire land

34. (1) The Lieutenant-Governor in Council may acquire in the name of the Crown either by private bargain or by compulsory acquisition land or an interest in land in, on or under which minerals are leased by the minister or access to which cannot reasonably be obtained except over or through land, the appropriate interest in which is vested in the Crown, but only to the extent that the land or interest may be required to enable the lessee to implement the obligations imposed under the lease and to carry out mineral exploration, mining operations or mineral processing and development in, on or under those lands.

(2) Where land or an interest in land is acquired compulsorily under subsection (1), the [Expropriation Act](#) applies in all respects as if the land, or interest, were acquired under that Act.

[1975-76 No44 s29](#)

Cancellation of a lease

35. (1) The minister may cancel a lease issued under this Act and all demises of surface or other rights made or given under [section 33](#) upon being satisfied

- (a) that the lessee has failed to fulfil, perform or observe the terms and conditions of or pertaining to the lease or demise;
- (a.1) that the lessee has failed to comply with an order made under [section 31.1](#);
- (b) that the lease or demise was issued as a result of or consequent upon a material misrepresentation by the applicant for the lease or demise; or
- (c) that the lessee is insolvent, declared bankrupt or has committed an act of bankruptcy.

(2) The minister shall cause the recorder to notify the lessee immediately by personal service effected by the sheriff or by registered mail of the cancellation made under subsection (1) and that notification shall state the grounds upon which the cancellation was made and the reasons for that cancellation.

(3) Upon notification of a cancellation being made under this section, the minerals in, on or under the land described in the lease and those surface or other rights conferred by a demise shall stop and revert to the Crown and may be applied in accordance with this Act, subject always to decision following adjudication under [section 39](#).

1975-76 No44 s30; 1998 c14 s7

Right to move chattels and structures

36. (1) Upon the termination or cancellation of a demise of surface or other rights granted under [section 33](#), the holder of the demise may take from the land to which it relates

- (a) machinery, chattels and other personal property within 6 months after the date of termination or cancellation or within the extended period that may be fixed by the minister; and
- (b) a structure within 12 months after the date of termination or cancellation.

(2) Any property or structure referred to in subsection (1) which remains on the land after the expiration of the period permitted by that subsection for removal becomes the property of the Crown.

(3) No compensation is payable by the Crown to the holder of the demise referred to in subsection (1) for any property or structure referred to in that subsection which becomes the property of the Crown under subsection (2).

(4) Where the minister incurs an expense

- (a) in rehabilitating the surface of land demised under [section 33](#) or subject to a mining lease under [section 31](#) where a lessee fails to do so as required by the terms of the lease; or
- (b) in disposing of or removing property or structures referred to in subsection (2),

the expense constitutes a debt due the Crown.

2008 c53 s16; 2023 c25 s14

Mineral Rights Adjudication Board

37. (1) There shall be a board, known as the Mineral Rights Adjudication Board, appointed by the Lieutenant-Governor in Council consisting of 3 persons, at least one of whom is a barrister, who shall be chairperson, and one of whom is experienced in mining.

(2) The members of the board shall

- (a) hold office for a period of 3 years from the date of their appointment, and shall be eligible for reappointment;
- (b) carry out the function and duties required of the board by this Act and the regulations; and
- (c) be entitled to payment for remuneration, travel expenses and other outlays incurred by them in the performance of their duties that are fixed by the Lieutenant-Governor in Council.

(3) Where a member of the board stops being a member, or refuses or is unable because of illness or disqualification or other cause to act as a member, the Lieutenant-Governor in Council shall remove the member who refuses or is unable to act, and shall immediately fill the vacancy created by the cessation or removal.

(4) Notwithstanding subsection (3), the minister may, where the minister is of the opinion that a member of the board is unable because of temporary indisposition to act as a member for a period not exceeding 6 months, with the approval of the Lieutenant-Governor in Council, appoint a member to act in the member's place for a period, not exceeding 6 months that may be specified in the appointment.

(5) For the purposes of enabling the board to determine questions within its jurisdiction, the board and each member is vested with all the powers that are conferred on commissioners under the *Public Inquiries Act, 2006* and, if the regulations confer upon the board the power of an investigating body within the meaning of the *Public Investigations Evidence Act*, it is vested with all the rights of a body under that Act.

1975-76 No44 s32; 2023 c25 s15

Jurisdiction of board

38. (1) It is the function of the board and the board has exclusive jurisdiction to hear and determine a question, dispute or matter arising out of the application of this Act and those provisions of the regulations pertaining specifically to this Act, including hearing and determining on

- (a) the rights of persons to the issuing of licences, certificates and leases, including extensions of licences and leases;
- (a.1) the suspension and reinstatement of a person's right to stake out claims;
- (a.2) a decision by the minister to withhold approval of a transfer, assignment, mortgage, pledge or conveyance of a licence;
- (b) [Rep. by 2008 c53 s17]
- (c) questions of priority for the right to obtain licences;
- (d) all matters respecting the cancellation of licences and leases, including allegations of default of the conditions of licences and leases, and whether a misrepresentation by applicants for licences or leases is material;
- (e) the right of persons to certificates;
- (f) a question pertaining to security deposits required to be made by applicants for licences, including rights to refund and forfeitures to the Crown and amounts of refund and forfeiture; and
- (g) other matters pertaining to the rights, privileges, obligations or duties of persons claiming or holding licences or leases conferred or imposed under this Act whether or not specifically referred to in paragraphs (a) to (f) of this section.

(2) The board does not have the jurisdiction to hear or determine a question, matter or dispute relating to an order made under [section 31.1](#) or to the cancellation of a lease where that cancellation results from an order made under section 31.1.

(3) It is the function of the board and the board has exclusive jurisdiction to hear and determine a question, dispute or matter arising out of the application of the [Mining Act](#) and the regulations under that Act.

1975-76 No44 s33; 1998 c14 s8; 1999 cM-15.1 s25; 2004 c17 s5; 2008 c53 s17

Adjudication

39. (1) A person affected and aggrieved by a matter falling within the jurisdiction of the board, in this section referred to as the "grievor", may apply to the board to have the matter adjudicated.

(2) A grievor may,

(a) within 30 days of the date of the decision of the recorder, where the matter complained of relates to a decision of the recorder;

(b) within 6 months from the date of issuing of the licence, where the matter complained of relates to the issuing of that licence;

(b.1) within 30 days of the date of the decision of the minister, where the matter complained of relates to a decision of the minister to not reinstate a licence under section 26.1 or to not extend a licence under section 28.2; or

(c) within 30 days of the occurrence of the event, not being one referred to in paragraph (a), (b) or (b.1),

file a notice of grievance, setting out the grounds of the grievance and the facts upon which it is based with the chairperson of the board, and shall serve on the minister and a person affected by the grievance a copy of the notice of the grievance.

(3) The minister shall produce before the board on the hearing of the grievance, and to the Supreme Court upon a reference made under subsection (6), or on appeal under [section 40](#), all papers and documents which are in the possession of the Crown and which may affect the outcome of the grievance, reference or appeal.

(4) The board, comprising all of its members, shall hear the grievance on a day appointed by it for the purpose, and shall decide the matter of the grievance, record its decision in writing, disclosing in that record whether the decision is unanimous or by majority, and transmit copies of the decision to the grievor, other persons affected by the appeal and the minister.

(5) Upon receipt of a notice of grievance under subsection (2), the board shall hear the grievance, decide the matter of the grievance and record its decision not later than 90 days from the date of the receipt of the notice of grievance unless the minister extends that period of time.

(6) The board may, before deciding the matter of the grievance, refer a question of law raised at the hearing of the grievance for the opinion of a judge of the Supreme Court, and the Rules of Court made under the [Judicature Act](#) relating to a special case apply to a reference made under this subsection as if that reference were made by the parties to the grievance.

(7) The board may award costs in an adjudication under this section for or against a party to the grievance, or the Crown, and fix the amount of the costs.

1975-76 No44 s34; 1980 c35 s12; 1986 c42 Sch B; 1990 c17 s14; 2023 c25 s16

Appeal to Supreme Court

40. (1) An appeal lies from a decision of the board under [section 39](#) to a judge of the Supreme Court upon a point of law raised during the hearing of the appeal before the board, and the practice and procedure under the *Judicature Act* and the Rules of Court relating to appeals apply to proceedings under this section.

(2) The judge may award costs in an appeal under subsection (1) for or against the appellant or another party to the appeal, or the Crown, and may fix the amount of the costs.

1975-76 No44 s35; 1986 c42 Sch B; 2023 c25 s17

Regulations

41. The Lieutenant-Governor in Council may make regulations

- (a) governing the manner of registration required under [section 6](#);
- (b) prescribing additional powers, functions and duties of the recorder, setting the documents required to be kept and maintained by the recorder, and which documents are to be open to view by the public;
- (c) [Rep. by [1994 c14 s2](#)]
- (d) providing for the maintenance of registers additional to those specifically provided for in [section 17](#), and the contents of registers;
- (e) respecting applications for licences, with power to prescribe
 - (i) [Rep. by [1997 c13 s44](#)]
 - (ii) the documentation to be submitted with an application for a licence,
 - (iii) the form and amount of security deposits for map staked licences and making provision for refund of security deposits,
 - (iv) [Rep. by [2008 c53 s18](#)]
 - (v) the procedures, limitations and the manner of map staking, and
 - (vi) [Rep. by [2004 c17 s6](#)]
- (f) prescribing the circumstances and occasions when security deposits made under paragraph 21(1)(c) are to be forfeited to the Crown either in whole or in part and making provision for refund of security deposits;
- (g) providing for the preparation and maintenance by the department of plans identifying land in systematic or other block form areas of prescribed sizes in respect of which licences may be issued;
- (h) respecting the terms and conditions of licences, with power to prescribe
 - (i) terms and conditions for the purposes of paragraph 22(3)(b),
 - (ii) assessment work required to be carried out by licensees for the purposes of the Schedules and fixing monetary values and amounts to be spent upon different types and forms of assessment work prescribed by regulation, and
 - (iii) forms and values of additional assessment work required to be carried out under licences extended under [section 28](#) or [28.1](#);
- (i) providing for the rectification of minor or typographical errors in licences or leases in the circumstances set out in the regulations;

- (j) for the purposes of [section 27](#), prescribing the periods of publication or display of notices relating to cancellation or surrender;
- (k) prescribing the contents of certificates issued under [section 29](#);
- (l) respecting the extension of licences;
- (m) setting the formula for calculation of annual rental to be paid by lessees and fixing that rental in relation to the formulae;
- (n) for the purposes of subparagraph 31(5)(c)(v), providing additional provisions and conditions applicable to all leases;
- (o) prescribing additional powers, functions and duties of the board with power to confer upon the board the power of an investigating body under the *Public Investigations Evidence Act*;
- (p) respecting ground surveys and markings to be effected for the purpose of issuing of leases to the holders of licences;
- (q) prescribing the practices and procedures that shall be followed in order to reduce and rehabilitate the environmental impact of exploration activities;
- (r) prescribing the activities for which an exploration permit is required and satisfying the procedures, conditions and requirements for an exploration permit;
- (s) generally, to give effect to the purpose of this Act; and
- (t) prescribing for a matter or thing not otherwise specifically provided for in this subsection which is required to be prescribed or for which regulations may be made under this Act.

[1975-76 No44 s36](#); [1992 cF-7.1 c22](#); [1992 c41 s6](#); [1994 c14 s2](#); [1997 c13 s44](#); [1998 c14 s9](#); [2004 c17 s6](#); [2008 c53 s18](#); [2014 c13 s5](#)

Regulations

41.1 The minister may make regulations for the purpose of paragraph 4(1)(b), exempting from the operation of this Act the minerals in, on or under those lands and lands under water that are defined.

[1994 c14 s3](#)

Fees and forms

41.2 The minister may set fees and prescribe forms for the purpose and administration of this Act.

[1997 c13 s44](#)

Offence

42. (1) A person who

- (a) wilfully removes, obliterates or interferes with a stake, tag or other means of identifying the surface of land physically staked for the issuing of a ground staked licence;
- (b) with intent to mislead makes a false statement in an application for a licence, lease or certificate, or in a return or report required to be made under this Act or as a condition of a licence or lease; or
- (c) commits an offence under this Act or the regulations

is liable on summary conviction to a fine not exceeding \$10,000, and in default of payment of a fine, to imprisonment for a term not exceeding 6 months, or to both a fine and imprisonment.

(2) Where the person who commits an offence under subsection (1) is a corporation, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence.

(3) Information in respect of the offences referred to in subsection (1) shall be laid within 3 years from the date of the offence.

(4) Sections 736 and 737 of the *Criminal Code* do not apply in the disposal of a complaint made or in imposing punishment for any of the offences referred to in subsection (1).

1975-76 No44 s37; 1979 c35 Sch B; 1998 c14 s10

Out of production mines

43. (1) Notwithstanding subsection 4(1), where minerals in, on or under land or land under water are

(a) held under a lease, licence, permit or agreement

(i) under *The Crown Lands (Mines and Quarries) Act* ,

(ii) under a general Act, or

(iii) under a special Act ratifying, confirming, or granting the lease, licence, permit or agreement;
or

(b) held as an incident of a fee simple,

and production in relation to those minerals has taken place, or takes place before, at, or after June 6, 1980 and has ceased or ceases in saleable quantities for a total period of 5 years as determined under subsection (2), the rights of the owner to those minerals and the unalienated surface rights cease and revert to the Crown in right of the province upon an order of the minister and they may be disposed of in accordance with this Act.

(2) For the purposes of subsection (1), the 5 year period is, in the case of,

(a) a mine that has ceased production before or at June 7, 1980, a total period of 5 years within a period of 25 years commencing from the date that the mine ceased production of minerals in saleable quantities; and

(b) a mine that is in production or comes into production after June 5, 1980, a total period of 5 years within a period of 25 years from the date of the commencement of production of minerals in saleable quantities from the mine, and afterwards a total period of 5 years in each 25 year period following.

(3) Nothing contained in a grant, deed, lease, concession, licence, permit, contract, agreement or other document authorized, ratified, confirmed or approved by a special or general Act, or in a special or general Act enacted before June 6, 1980 affects the operation of this section and in the case of a conflict this section prevails.

(4) Where the rights of an owner to minerals and the unalienated surface rights appertaining to those rights revert to the Crown under this section, no compensation is payable to the owner.

(5) In subsection (1) "unalienated surface rights appertaining to those rights" includes all surface rights to land in, on or under which the rights to minerals have reverted to the Crown under subsection (1) and rights to quarry materials as defined in the *Quarry Materials Act* .

1980 c35 s13; 1983 c22 s7; 1995 c12 s4

No compensation

44. (1) Where the current term of a licence, permit, lease or agreement referred to in paragraph 4(1)(a) expires and the government of the province does not extend or renew the licence, permit, lease or agreement for a further term that the licence, permit, lease or agreement may permit or the holder of a licence, permit, lease or agreement referred to in paragraph 4(1)(a) obtains a licence, mining lease or demise of surface rights under this Act, an action or proceeding, including an action or proceeding for compensation for damages, does not lie against the Crown for or in respect of

- (a) the failure of the government of the province to extend or renew a licence, permit, lease or agreement referred to in paragraph 4(1)(a) where the terms of the licence, permit, lease or agreement provides for one or more periods of extension or renewal upon expiry of the current term;
- (b) the breach of a term of a licence, permit, lease or agreement or other covenant or undertaking of the Crown to or in favour of a person including the provisions of a licence, permit, lease or agreement granted or entered into by the Crown or the government of the province before the date of coming into force of this section; or
- (c) damage or loss to the property or business of a person caused by or resulting, in whole or in part, by reason of the failure of the Crown to renew, a licence, permit, lease or agreement referred to in paragraph 4(1)(a).

(2) This section comes into force on a day to be proclaimed by the Lieutenant-Governor in Council.

1990 c17 s15; 1992 c41 s7; 2023 c25 s17

No action

45. An action or proceeding, including an action or proceeding for compensation or damages, shall not lie against the Crown for or in respect of a matter or dispute relating to an order made under [section 31.1](#) or to the cancellation of a lease where that cancellation results from a failure to fulfil, perform or comply with the terms and conditions of an order made under section 31.1.

1998 c14 s11

Schedule A

Conditions of Licence - 20 years or less

Condition 1. The licensee shall spend in each 12 month period during the currency of the licence an amount of money, as is set out in the regulations, on assessment work performed on, in or under the land subject to the licence.

Condition 2. (1) Where the licensee is unable to complete the assessment work required to be done in a 12 month period, the licensee may apply to the minister for an extension of time within which the assessment work may be completed, and the minister may grant one or more extensions of time but each extension shall

- (a) not relieve a licensee of obligations under this Act, the regulations or the licence;
- (b) not exceed 12 months from the end of the period during which the work would, apart from the extension, have been required to be completed; and
- (c) only be granted where, before the end of the year for which the extension is requested, the licensee delivers to the recorder a security deposit in cash or other form that may be prescribed by regulation in an amount equal to the deficiency in the assessment work for the period.

(2) The security deposit referred to in paragraph (1)(c) is given to ensure that the assessment work is completed and, where the work is not completed within the required time and the licensee does not obtain another extension of time, the deposit is forfeit to the Crown.

(3) Where a company has to apply for an extension of time as a result of delays caused by environmental considerations imposed under the exploration approval, the requirement for the delivery of a deposit shall be waived on the request of the licensee.

Condition 3. (1) A licensee shall submit to the recorder within 60 days after the end of each 12 month period of the currency of the licence

- (a) an annual report of the assessment work performed during the preceding 12 month period on, in or under the land subject to the licence and the results; and
- (b) an account of the expenditure incurred in the performance of that assessment work, which account shall be audited if required by the minister.

(2) Where a licensee is unable, for reasons satisfactory to the recorder, to submit a full annual report within the time required by subsection (1), the recorder may accept a partial report.

(3) Where the recorder accepts a partial report under subsection (2), the licensee shall submit the completed annual report within 120 days after the end of the most recent 12 month period of the currency of the licence.

(4) Where the recorder is satisfied that a licensee has performed sufficient assessment work in previous 12 month terms to cover that required for the current 12 month term, the recorder may waive the requirement of an assessment report for the current term.

Condition 4. (1) A geological, geophysical, geochemical or other scientific survey, whether ground or aerial, made by the licensee before grant of licence in, on, over or under the land subject to the licence, or of an area within which the land or part of the land subject to a licence is situated shall be considered to be assessment work performed during the first 12 month period of the licence if

- (a) the survey was made not more than one year before the date of issuing of the licence; and
- (b) details and results of the survey and the costs incurred are sent to the recorder with the report of assessment work and expenditures required to be submitted under Condition 3 at the end of the first 12 month period of the licence.

(2) The costs of the surveys referred to in subsection (1) shall be credited to the licensee as assessment work required to be done on the land by the licensee during the first 12 months of the licence.

Condition 5. The cost of assessment work done by a licensee on, in or under the land subject to a licence from the date the land was staked, or from the date the application for a licence was made, to the date the licence was issued may be credited as assessment work in that amount during the first 12 months of the licence if the particulars of the work done are included with the report of assessment work required for that 12 month period.

Condition 6. (1) The costs of assessment work in excess of the minimum required for any 12 month period of the licence may be applied to the costs of assessment work required for the following 12 month periods during the next 9 years with

- (a) full application for the excess, if the report of the excess work and an account of expenditure of the work are filed with the recorder at the same time that the reports and accounts are submitted under Condition 3 for the 12 month period during which the excess work is carried out; or
- (b) 50% application for the excess if the report of the excess work and an account of expenditure of that work are filed later than the time set out in paragraph (a).

(2) Notwithstanding subsection (1), the costs of assessment work in excess of the minimum required for any 12 month period shall not be applied to the costs of assessment work 20 years after the licence was granted.

Schedule B

Conditions of Licence - More than 20 years

Condition 1. The licensee shall spend during the currency of the licence an amount of money, as is set out in the regulations, on assessment work performed on, in or under the land subject to the licence.

Condition 2. (1) Where the licensee is unable to complete the assessment work required to be done during the licence extension period, the licensee may apply to the minister for an extension of time within which the assessment work may be completed, and the minister may grant not more than 3 consecutive extensions of time but each extension shall

- (a) not relieve a licensee of obligations under this Act, the regulations or the licence;
- (b) not exceed 12 months from the end of the period during which the work would, apart from the extension, have been required to be completed; and
- (c) only be granted where, before the end of the licence extension period, the licensee delivers to the recorder a security deposit in cash or other form that may be prescribed by regulation in an amount equal to the deficiency in the assessment work for the period.

(2) The security deposit referred to in paragraph (1)(c) is given to ensure that the assessment work is completed and, where the work is not completed within the required time and the licensee does not obtain another extension of time, the deposit is forfeit to the Crown.

(3) Where a company has to apply for an extension of time as a result of delays caused by environmental considerations imposed under the exploration approval the requirement for the delivery of a deposit shall be waived on the request of the licensee.

Condition 3. (1) A licensee shall submit to the recorder within 60 days after the end of the licence extension period

- (a) an annual report of the assessment work performed during the preceding 12 month period, on, in or under the land subject to the licence and the results; and
- (b) an account of the expenditure incurred in the performance of that assessment work, which account shall be audited if required by the minister.

(2) Where a licensee is unable, for reasons satisfactory to the recorder, to submit a full annual report within the time required by subsection (1), the recorder may accept a partial report.

(3) Where the recorder accepts a partial report under subsection (2), the licensee shall submit the completed annual report within 120 days after the end of the licence extension period.

(4) Where the recorder is satisfied that a licensee has performed sufficient assessment work in a previous licence extension period to cover that required for the licence extension period, the recorder may waive the requirement of an assessment report for the current licence extension period.

Condition 4. The costs of assessment work in excess of the minimum required for any licence extension period may be applied to the costs of assessment work required for the following licence extension periods during the next 5 years with

- (a) full application for the excess, if the report of the excess work and an account of expenditure of the work are filed with the recorder at the same time that the reports and accounts are submitted under Condition 3 for the licence extension period during which the excess work is carried out; or
- (b) 50% application for the excess if the report of the excess work and an account of expenditure of that work are filed later than the time set out in paragraph (a).