

chapter M-13.1

**MINING ACT**

AS mineral resources are present throughout Québec and constitute social wealth for present and future generations;

AS mining has helped forge Québec's identity and should continue to be a source of pride;

AS it is necessary to promote the optimal use of mineral resources in order to create as much wealth as possible for the people of Québec;

AS it is necessary to engage in mineral development in a manner respectful of the environment;

AS it is necessary to promote development that is associated with Québec communities and integrated into their environment;

AS it is necessary to pursue sustainable diversification of the regions' economies.

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## CHAPTER I

### APPLICATION AND INTERPRETATION

#### 1. In this Act,

“**brine**” means any natural aqueous solution containing more than 4% by weight of dissolved solids;

“**mineral substances**” means natural mineral substances in solid, gaseous or liquid form, except water, and fossilized organic matter;

“**natural gas**” means all hydrocarbons and other substances which can be extracted from the ground in gaseous form;

“**outstanding geological site**” means land whose geological, geomorphic, landscape or biological characteristics are of educational value, or of interest for scientific research or conservation purposes, and that deserves to be protected, in particular because it is threatened, rare or vulnerable;

“**petroleum**” means crude oil and other hydrocarbons which can be extracted from the ground in liquid form;

“**to prospect**” means to examine a territory for the purpose of searching for mineral substances without holding real and immovable mining rights in respect of the territory searched, except in the case of a licence to explore for petroleum, natural gas and underground reservoirs, an authorization to produce brine or a lease to produce petroleum or natural gas or to operate an underground reservoir;

“**surface mineral substances**” means peat; sand including silica sand; gravel; limestone; calcite; dolomite; common clay and argillaceous rocks used in the manufacture of clay products; all types of rocks used as dimension stone, crushed stone or silica ore or in the making of cement; and every mineral substance that is found in its natural state as a loose deposit, except the tilth, as well as inert mine tailings, where such substances and tailings are used for construction purposes, for the manufacture of construction materials, or for the improvement of soils ;

“**tailings**” means rejected mineral substances, sludge and water, except the final effluent, from extraction operations and ore treatment, and slag from pyrometallurgy operations;

“**well head value**” means the average retail price, excluding all taxes less the average transportation costs from the well to the retail outlets, measurement costs and, where such is the case, purification costs.

1987, c. 64, s. 1; 1988, c. 9, s. 1; 1998, c. 24, s. 1; 2005, c. 45, s. 1; 1998, c. 24, s. 1.

#### 2. This Act binds the Government and its departments and agencies that are mandataries of the State.

1987, c. 64, s. 2; 1999, c. 40, s. 178.

## CHAPTER I.1

### PROVISIONS SPECIFIC TO NATIVE COMMUNITIES

2013, c. 32, s. 2.

#### 2.1. This Act must be construed in a manner consistent with the obligation to consult Native communities. The Government shall consult Native communities separately if the circumstances so warrant.

2013, c. 32, s. 2.

#### 2.2. Taking into account the rights and interests of Native communities is an integral part of reconciling mining activities with other possible uses of the territory.

2013, c. 32, s. 2.

**2.3.** The Minister draws up, makes public and keeps up to date a Native community consultation policy specific to the mining sector.

2013, c. 32, s. 2.

## CHAPTER II

### OWNERSHIP OF RIGHTS IN OR OVER MINERAL SUBSTANCES AND UNDERGROUND RESERVOIRS

1988, c. 9, s. 2.

**3.** Subject to sections 4 and 5, rights in or over mineral substances, other than those of the tilth, form part of the domain of the State. The same rule applies to rights in or over underground reservoirs situated in lands of the domain of the State granted or alienated by the State for purposes other than mining purposes.

1987, c. 64, s. 3; 1988, c. 9, s. 3; 1999, c. 40, s. 178.

**4.** Rights in or over mineral substances listed below do not form part of the domain of the State if the substances are found

— in mining concessions for which letters patent were issued before 1 July 1911;

— in lands granted in a township before 24 July 1880 or granted by location ticket for agricultural purposes for which letters patent or other titles were not issued before or were issued after that date but which, until 1 January 1921, could be deemed to have been issued on 24 July 1880;

— in lands granted under seigniorial tenure where mining rights were not vested in the State:

(1) mineral substances contained in a parcel of land where a deposit in operation on 6 May 1982 was situated, provided a declaration according to law was filed in the office of the registrar within 180 days after 15 September 1982;

(2) mineral substances contained in a parcel of land containing an ore deposit serving as a reserve necessary to the carrying on of a mining, petroleum or gas enterprise in operation in Québec on 6 May 1982, provided that the operator, within the meaning of section 218, was the holder of the rights in those mineral substances, that he established the existence of indicators of the presence of a workable deposit and that he filed a declaration according to law in the office of the registrar within 180 days after 15 September 1982;

(3) mineral substances covered by an option, a promise of sale or a lease on 6 May 1982, provided that the original or an authentic copy of the document was filed in the office of the registrar within 180 days after 15 September 1982.

In lands granted before 24 July 1880, however, rights in or over gold and silver deposits form part of the domain of the State.

1987, c. 64, s. 4; 1988, c. 9, s. 4, s. 5; 1999, c. 40, s. 178.

**5.** Rights in or over the following mineral substances are surrendered to the owner of the soil where they are found in lands granted or alienated by the State for purposes other than mining purposes before 1 January 1966 or in lands wherein the rights in or over mineral substances were revoked in favour of the State on or after 1 January 1966: sand, gravel, building stone and stone used for sculpture, limestone, calcite used as flux, millstones and grindstones, gypsum, common clay used in making building materials, firebrick, pottery, ceramic substances, mineral waters, infusory earths or tripoli, fuller's earth, peat, marl, ochre or soapstone, provided that, in their natural state, they are isolated from other mineral substances, as well as rights in or over mineral substances of the tilth.

1987, c. 64, s. 5; 1988, c. 9, s. 6; 1999, c. 40, s. 178.

**6.** The owner of the soil and the lessee of land granted, alienated or leased by the State for purposes other than mining purposes on or after 1 January 1966 may use and displace, on the parcel of land in which they have rights and for their domestic needs, any mineral substances listed in section 5.

1987, c. 64, s. 6; 1999, c. 40, s. 178; 2013, c. 32, s. 3.

**7.** Rights in or over tailings belong to the holder of the mining lease or mining concession.

At the expiry of the mining lease or of a right under section 239 or on the abandonment or revocation of the mining lease or mining concession, rights in or over the tailings belong to the owner of the soil on which the tailings have been deposited with his consent.

1987, c. 64, s. 7; 1988, c. 9, s. 8.

**8.** The mining rights conferred by the following titles are immovable real rights:

- claims;
- mining leases;
- mining concessions;
- leases to mine surface mineral substances;
- licences to explore for petroleum, natural gas and underground reservoirs;
- leases to produce petroleum and natural gas;
- authorizations to produce brine;
- leases to operate an underground reservoir.

1987, c. 64, s. 8; 1998, c. 24, s. 2; 2013, c. 32, s. 4.

**9.** Ownership of any real and immovable mining right is separate from ownership of the soil involved.

Use of the soil, before or after a mining right is granted, by a third person does not in any case confer a right to compensation on the holder of the mining right. The same applies to the transfer or granting of rights in lands in the domain of the State.

This section is declaratory.

1987, c. 64, s. 9; 2013, c. 32, s. 5.

**10.** *(Repealed).*

1987, c. 64, s. 10; 1998, c. 24, s. 3; 2000, c. 42, s. 185; 1998, c. 24, s. 3; 2013, c. 32, s. 6.

**11.** A public register of real and immovable mining rights granted under this Act shall be kept at the Ministère des Ressources naturelles et de la Faune.

1987, c. 64, s. 11; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

**12.** *(Repealed).*

1987, c. 64, s. 12; 1998, c. 24, s. 4.

**13.** The registrar appointed by the Minister of Natural Resources and Wildlife shall

- (1) keep the public register of real and immovable mining rights;
- (2) make in the register a summary entry of such rights and their renewal, transfer, surrender, abandonment, revocation or expiry, and keep in the register the titles evidencing those rights;
- (3) register any other instrument relating to the following mining rights:
  - mining leases;
  - mining concessions;
  - leases to mine surface mineral substances;
  - leases to produce petroleum and natural gas;
  - leases to operate an underground reservoir; and
  - authorizations to produce brine;
- (4) register promises to purchase relating to claims.

1987, c. 64, s. 13; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35; 2013, c. 32, s. 7.

**13.1.** The registrar shall register the authorizations granted under sections 66, 67, 69, 70, 106, 107, 140 and 150 in the public register of real and immovable mining rights.

The registrar shall make an entry in the register relating to the declarations of lease or claim holders concerning the discovery of mineral substances that contain 0.1% or more of triuranium octaoxide.

2013, c. 32, s. 8.

**14.** Every transfer of a real and immovable mining right, and every other act to which paragraph 3 or 4 of section 13 applies, shall be registered in the public register of real and immovable mining rights on presentation of a copy of the instrument evidencing the transfer or act and on payment of the fees fixed by regulation.

No such transfer or act may have effect against the State unless it has been registered in the public register of real and immovable mining rights.

1987, c. 64, s. 14; 1998, c. 24, s. 5; 1999, c. 40, s. 178; 2013, c. 32, s. 9.

**15.** (*Repealed*).

1987, c. 64, s. 15; 1999, c. 40, s. 178; 1998, c. 24, s. 6.

**16.** Upon payment of the fee prescribed by regulation, the registrar shall issue to any interested person a certificate of any entry in the public register of real and immovable mining rights.

1987, c. 64, s. 16.

## CHAPTER III

### MINING RIGHTS OF THE DOMAIN OF THE STATE

1999, c. 40, s. 178.

#### DIVISION I

##### OBJECT AND SCOPE

**17.** The purpose of this Act is to promote mineral prospecting, exploration and development in keeping with the principle of sustainable development, while ensuring that Quebecers get a fair share of the wealth generated by mineral resources and taking into account other possible uses of the territory.

Another purpose of this Act is to ensure that non-renewable resources are used for the benefit of future generations.

A further purpose of this Act is to develop homegrown expertise in mineral resource exploration, development and processing in Québec.

1987, c. 64, s. 17; 2013, c. 32, s. 10.

**18.** This chapter applies to mineral substances and underground reservoirs and to mining drifts designated as underground reservoirs by ministerial order which are situated in lands of the domain of the State and in lands of the private domain where they form part of the domain of the State.

1987, c. 64, s. 18; 1999, c. 40, s. 178.

#### DIVISION II

##### PROSPECTING LICENCE

1988, c. 9, s. 9.

**19.** No person, on his own behalf or on behalf of another, may prospect on any land unless he is the holder of a prospecting licence issued by the Minister.

1987, c. 64, s. 19; 1988, c. 9, s. 9.

**20.** No person, on his own behalf or on behalf of another, may stake any land in view of obtaining a claim unless he is the holder of a prospecting licence issued by the Minister.

1987, c. 64, s. 20; 1988, c. 9, s. 9.

**21.** Sections 19 and 20 do not apply to an officer or employee of the department acting in the performance of his duties or to any other person acting on behalf of the State.

1987, c. 64, s. 21; 1999, c. 40, s. 178.

**22.** Any person, even a person not holding a prospecting licence, may designate on a map a parcel of land on which a claim may be obtained by a map designation.

1987, c. 64, s. 22; 1998, c. 24, s. 7.

**23.** A prospecting licence is issued to a natural person who meets the conditions and pays the fee prescribed by regulation.

A prospecting licence is not transferable.



Upon proof that the licence has been damaged, destroyed, lost or stolen, the Minister shall issue a duplicate thereof upon payment of the fee prescribed by regulation.

1987, c. 64, s. 23; 1988, c. 9, s. 9.

**24.** The term of a prospecting licence is five years.

The Minister shall renew the licence for the same term, subject to the requirements and on payment of the fee prescribed by regulation.

1987, c. 64, s. 24; 1988, c. 9, s. 9.

**24.1.** No person whose prospecting licence is revoked under paragraph 4 of section 281 may file a new application for such a licence before the expiry of a period of two years from the date of revocation.

1990, c. 36, s. 1.

**25.** The licence holder shall carry the licence on his person while prospecting on or staking a parcel of land.

The licensee shall, on request, produce his licence, to any officer of the department.

1987, c. 64, s. 25.

**26.** No person may prohibit or hinder access to any land containing mineral substances forming part of the domain of the State to any person entitled to engage in prospecting or staking on that land under this division if the person identifies himself on request and, in the case of a licence holder, if he produces his licence.

1987, c. 64, s. 26; 1999, c. 40, s. 178.

**27.** No person may prospect on a parcel of land that is subject to a claim, a mining concession or a mining lease, or on a parcel of land referred to in section 304.1 or withdrawn from prospecting, mining exploration and mining operations under this Act, or by the effect of another Act, to the extent provided for in that Act.

1987, c. 64, s. 27; 2005, c. 45, s. 2; 2013, c. 32, s. 11.

**28.** Ground staking is prohibited on any parcel of land within the boundaries of a territory where claims may be obtained by map designation.

Subject to section 28.1, map designation is prohibited in respect of any parcel of land within the boundaries of a territory where claims may be obtained by ground staking.

The boundaries shall be determined by the Minister and shown on maps kept at the office of the registrar in accordance with section 60.1.

1987, c. 64, s. 28; 1998, c. 24, s. 8; 2003, c. 15, s. 1.

**28.1.** Map designation is permitted in respect of any parcel of land within the boundaries of a territory where claims may be obtained by ground staking if it is evident that the location of the perimeter of the parcel of land to which the map designation notice applies is not likely to result in a dispute between holders of mining rights.

2003, c. 15, s. 2.

**29.** No person may stake or designate on a map any land that is subject to a mining concession, a mining lease, an application for a mining lease or an application for a conversion of mining rights under subdivision 5 of Division III of this chapter.

1987, c. 64, s. 29; 1998, c. 24, s. 9; 2013, c. 32, s. 12.

**30.** No person may stake or map designate a parcel of land withdrawn from prospecting, mining exploration and mining operations under this Act, or by the effect of another Act to the extent provided for in that Act.

No person may stake or designate on a map any parcel of land that is subject to a provisional suspension notice pursuant to section 304.1.

1987, c. 64, s. 30; 2003, c. 15, s. 3; 2013, c. 32, s. 13.

**30.1.** No person may stake, designate on a map or carry on mining exploration or mining operations work on an outstanding geological site classified under section 305.1.

2005, c. 45, s. 3.

**31.** (*Repealed*).

1987, c. 64, s. 31; 1998, c. 24, s. 10.

**32.** No person may, without the prior authorization of the Minister, stake any land

- (1) (*paragraph repealed*);
- (2) contemplated in section 4, where only gold and silver form part of the domain of the State;
- (3) (*paragraph repealed*);
- (4) reserved to the State under section 304;
- (5) (*paragraph repealed*).

1987, c. 64, s. 32; 1991, c. 23, s. 1; 1999, c. 40, s. 178; 1998, c. 24, s. 11; 2001, c. 6, s. 143; 2010, c. 3, s. 299; 2013, c. 32, s. 14.

**33.** No person may, without the prior authorization of the Minister, prospect on or stake any land

- (1) situated in an Indian reserve;
- (2) designated as a migratory bird sanctuary under the Migratory Birds Convention Act (Revised Statutes of Canada, 1985, chapter M-7).

1987, c. 64, s. 33; 1998, c. 24, s. 12.

**34.** The Minister may subject his authorization to conditions and requirements which may, among other matters and notwithstanding the provisions of this Act, concern the work to be performed on the land that will be subject to the claim.

The Minister may also, in the public interest, impose such conditions and requirements on the claim holder during the term of the claim, alter existing conditions and requirements or impose new conditions and requirements.

1987, c. 64, s. 34; 1998, c. 24, s. 13.

**35.** No person may stake any land

- (1) where proceedings for the revocation of a claim are pending, from the date on which the registrar is notified thereof;

(2) where a second notice of staking has been filed, from the date on which the registrar receives it.

1987, c. 64, s. 35; 1998, c. 24, s. 14.

**36.** The holder of a prospecting licence may stake land that is already subject to a claim obtained by staking and registered in favour of a third person, except if the claim has already been converted into a map designated claim or if an application for conversion has been made.

In such a case, the holder of the prospecting licence or the person on whose behalf the staking is made shall contest the claim within the time and on any of the grounds set forth in paragraphs 1 to 3 of section 280.

1987, c. 64, s. 36; 1988, c. 9, s. 9; 1998, c. 24, s. 15.

**37.** (*Repealed*).

1987, c. 64, s. 37; 1998, c. 24, s. 16.

**38.** No person may stake or designate on a map any land that is subject to a claim the registration of which has been refused or an abandoned, revoked, unrenewed or expired claim, before 7:00 a.m. in the case of staking, or before 9:00 a.m. in the case of map designation, on the thirty-first day after, as the case may be, the date on which the refusal to register or to renew or the revocation of the claim became enforceable, after the date of registration of the abandonment by the registrar or after the date of expiry.

Notwithstanding the first paragraph, in no case may the holder of the abandoned, revoked, unrenewed or expired claim or any person who had an interest therein, or any person whose application for the registration of a claim has been refused, stake or designate on a map, on his own behalf, the parcel of land that was subject thereto before an additional 30-day period.

For the purposes of the second paragraph, a natural person, the person's representatives and their employees or, in the case of a legal person, the legal person, its subsidiaries and their directors, executives, representatives and employees are deemed to constitute a single person.

Where the interested person withdraws an appeal relating to a refusal to register, a refusal to authorize work, a refusal to renew or a revocation, the period begins to run from the day a notice of discontinuance is filed in the office of the Court of Québec.

1987, c. 64, s. 38; 1988, c. 21, s. 66; 1998, c. 24, s. 17; 2003, c. 15, s. 4; 2013, c. 32, s. 15.

**39.** Every officer or other employee of the department acting in the performance of his duties or any other person acting on behalf of the State who makes a discovery of ore shall stake or designate on a map the parcel of land containing the ore, in favour of the State, in accordance with Division III.

1987, c. 64, s. 39; 1999, c. 40, s. 178.

## **DIVISION III**

### **CLAIMS**

#### **§ 1. — Acquisition**

**40.** A claim may be obtained by staking or map designation in accordance with this division.

Staking shall be done with tags issued by the Minister. Tags shall be issued to any person applying therefor at the price, on the conditions and for the period prescribed by regulation.

1987, c. 64, s. 40.

**41. (Repealed).**

1987, c. 64, s. 41; 1998, c. 24, s. 18.

**42.** The area of each parcel of land staked shall, as nearly as practicable, be 16 ha and its sides shall be 400 m in length, with boundary lines running as nearly as possible north and south and east and west astronomically.

Notwithstanding the first paragraph, any parcel of land of less than 16 ha, situated between parcels of land that are subject to a claim, a mining lease or a mining concession or not open for staking may be staked by any of the holders of mining rights or by each of them in the proportions agreed by the Minister, or by a third person authorized by the Minister.

The area and shape of a parcel of land that may be the subject of a claim by way of map designation shall be determined by the Minister and shown in the public register of real and immovable mining rights. Any modification takes effect on the date specified in the notice.

1987, c. 64, s. 42; 1988, c. 9, s. 10; 1998, c. 24, s. 19; 2003, c. 15, s. 5; 2013, c. 32, s. 16.

**42.1.** Every claim obtained by map designation or by conversion of a mining right into a map designated claim pursuant to subdivision 5 of this division must cover the entire area of a parcel of land determined by the Minister and shown on the maps kept at the office of the registrar or, where applicable, only the area of the parcel of land that is open to map designation in accordance with this Act.

However, where a map designated claim has been obtained by the conversion of a mining right, the claim holder may, within 60 days from the date of issue of the certificate of registration of the claim, refuse the inclusion of any part of the parcel of land subject to the claim that exceeds the area subject to the converted mining right if the inclusion of the excess portion would impose new requirements on the claim holder by reason of the application of section 231.

1998, c. 24, s. 20.

**42.2.** Where it has not been possible to extend a claim obtained by map designation or by conversion of a mining right to cover the total area of a parcel of land as shown on the maps, the area of land subject to the claim must, as soon as possible, be extended so as to include an area corresponding to the total area of a parcel of land shown on the maps provided that the included area is open to map designation in accordance with this Act.

Where parts of a parcel of land shown on the maps are subject to more than one claim, the Minister shall extend one such claim, as determined by a drawing of lots, to include the excess portion of the parcel of land, provided that the included area is contiguous and is open to map designation in accordance with this Act.

However, the holder of the claim extended to include the excess portion of land may, within 60 days from the date of issue of the notice of extension, refuse the extension if it would impose new obligations on the claim holder by reason of the application of section 231.

1998, c. 24, s. 20.

**42.3.** No extension of the area of the parcel of land subject to a claim, pursuant to section 42.2, shall have the effect of increasing the cost of the work to be performed in respect of the claim for the term during which the extension is effected.

1998, c. 24, s. 20.

**42.4.** Any decision concerning the application of sections 42.1 and 42.2 may be made by the Minister, including a decision concerning the rules relating to the area of the parcel of land subject to a claim obtained

by map designation or by conversion of a mining right, and the Minister may order, where necessary for the application of the said provisions, a survey of the parcels of land concerned.

1998, c. 24, s. 20.

**42.5.** The excess portion of a parcel of land referred to in section 28.1 may be map designated by one or more holders of a staked claim, in the proportions agreed by the Minister, if the parcel of land or part of the parcel of land that is subject to the staked claim is contiguous to the excess portion.

2003, c. 15, s. 6; 2013, c. 32, s. 17.

**43.** *(Repealed).*

1987, c. 64, s. 43; 1988, c. 9, s. 11, s. 12; 1998, c. 24, s. 21.

**44.** Every person staking a parcel of land shall comply, as nearly as practicable, with the following staking rules:

(1) he shall plant or erect a post at each of the four corners of the claim, beginning with post No.1 and ending with post No.4;

(2) the post at the northeast corner shall be marked number 1, that at the southeast corner number 2, that at the southwest corner number 3 and that at the northwest corner number 4;

(3) he shall affix to each post the tag bearing the claim number and the number corresponding to that post;

(4) he shall inscribe, in a legible and durable manner, the date of staking on each tag and, on the tag identifying No.1 post, his name, his prospecting licence number and the time of the staking; where a parcel of land is staked by an officer or any other employee of the department acting in the performance of his duties or by any other person acting on behalf of the State, the prospecting licence number shall be replaced by the word “QUÉBEC”;

(5) the lines between the four posts must be marked on the land so that the outlines of the claim are clearly visible from one post to the other;

(6) where it is impossible to erect a post at a corner of the claim, the staker shall plant or erect a witness post at the nearest practicable point and inscribed, on the corresponding tag, opposite the letters “P.I.” (piquet indicateur), an indication of the distance and direction of the site of the true corner from the witness post and any other information required under paragraph 4;

(7) every post shall stand not less than one metre nor more than 1.5 metres above the ground and have a diameter of approximately 10 centimetres or, if made of metal, 2 centimetres and shall be squared or faced on four sides for at least 30 centimetres from the top; a standing stump or tree of the same dimensions may be used as a post;

(8) where a post cannot be planted or erected in a durable manner, it must be kept in place by a heap of stones or earth of not less than 75 centimetres in diameter and at least 50 centimetres high;

(9) no post used for the staking of a claim may be used to stake another claim;

(10) a staker who begins the staking of a claim must complete it before beginning the staking of another claim;

(11) a staker staking contiguous parcels of land may use a single post at the apices of adjacent corners.

1987, c. 64, s. 44; 1988, c. 9, s. 9, s. 14; 1999, c. 40, s. 178; 1998, c. 24, s. 22.

**45.** Except in the cases provided for in sections 58 and 83, no person may move, alter or replace a post outlining a claim or alter the inscriptions on the post or on its tag.

1987, c. 64, s. 45; 1988, c. 9, s. 15; 2013, c. 32, s. 18.

§ 2. — *Registration and validity*

**46.** No claim obtained by the staking of land remains valid unless a notice of staking is filed in the office of the registrar within 20 days of the staking and is subsequently registered in the public register of real and immovable mining rights.

1987, c. 64, s. 46; 1988, c. 9, s. 16; 1998, c. 24, s. 23; 2013, c. 32, s. 19.

**47.** A map designated claim is acquired by the filing of a notice of map designation followed by its registration at the office of the registrar.

1987, c. 64, s. 47; 1998, c. 24, s. 24; 2013, c. 32, s. 20.

**48.** The notice of staking must be presented on a form supplied by the Minister, contain the information determined by regulation and be accompanied with the fee prescribed by regulation. The following documents must be forwarded to the office of the registrar within 20 days of the staking:

(1) a copy of the map of mining titles at a scale of 1/50000 kept in the office of the registrar and referred to in the notice of staking, showing the perimeter of the staked parcel of land;

(2) a sketch signed by the staker showing the boundaries of the claim and the nearest landmarks and, where that is the case, the limits of the public improvements referred to in section 70;

(3) *(paragraph repealed)*;

(4) *(paragraph repealed)*;

(5) in the case described in section 36, the notice of staking must, in addition, be accompanied with an application for the revocation of a claim.

1987, c. 64, s. 48; 1998, c. 24, s. 25; 2003, c. 15, s. 7; 2013, c. 32, s. 21.

**49.** The notice of map designation must be presented on a form supplied by the Minister, contain the information determined by regulation and be accompanied with the fee prescribed by regulation.

A notice of map designation in respect of a parcel of land within the boundaries of a territory where claims may be obtained by ground staking must also be accompanied with the following documents:

(1) in the case described in section 28.1, a statement by the holders of staked claims situated less than 1,000 metres from the parcel of land concerned, attesting that the parcels of land subject to their claims are not situated within the boundaries of the parcel of land concerned;

(2) *(subparagraph repealed)*;

(3) in the case described in section 42.5, an application for conversion complying with subdivision 5 of this division.

1987, c. 64, s. 49; 1998, c. 24, s. 26; 2003, c. 15, s. 8; 2013, c. 32, s. 22.

**50.** The registrar shall allow the applicant to file, before the claim is registered, an amended notice of staking in which a manifest error found in the original notice is rectified.

The registrar shall, on finding a manifest error in a notice of staking and before registering the claim, send the applicant a notice describing the error to be corrected. If the applicant fails to file an amended notice of staking within 15 days of receiving the notice requesting that a correction be made, the registrar shall refuse the notice of staking filed by the applicant.

1987, c. 64, s. 50; 1998, c. 24, s. 27; 2013, c. 32, s. 23.

**51.** The registrar shall refuse a notice of staking

- (1) where it is not received within the time prescribed;
- (2) where the land has been staked without the Minister's authorization as required by section 32 or 33 or the second paragraph of section 42;
- (3) where the notice relates to a parcel of land that has been staked in contravention of section 29, 30, 30.1, 35 or 38 or the second paragraph of section 40;
- (4) where the tags used were outdated on the date of staking;
- (5) where the staker staked without a prospecting licence as required by section 20;
- (6) where it does not meet the requirements of section 48.

The registrar shall also refuse a notice of staking that relates to a parcel of land that has been staked in contravention of the first paragraph of section 28 except if, less than six months before the staking, the land staked formed part of the territory in which claims could be obtained by staking. However, in that case, the notice of staking shall be deemed to be a notice of map designation for the purposes of this Act.

1987, c. 64, s. 51; 1988, c. 9, s. 9; 1998, c. 24, s. 28; 2013, c. 32, s. 24.

**52.** The registrar shall refuse a notice of map designation

- (1) where the land is subject to a claim registered in accordance with this subdivision;
- (2) (*subparagraph repealed*);
- (3) where the land has been designated on a map in contravention of the second paragraph of section 28 or section 29, 30, 30.1 or 38;
- (4) where it does not meet the requirements of section 49, in particular where the conversion cannot be effected;
- (5) where the territory has an area of 0.1 ha or less.

The registrar shall forward, to the Minister, every notice of map designation that relates to a parcel of land

- (1) from which mineral substances referred to in section 5 have been, or are being, extracted, except sand or gravel;
- (2) for which authorization from the Minister would be required under section 32 or 33 were the parcel of land a parcel of land open for staking.

The Minister may refuse the notice of map designation or, where considered necessary by the Minister, accept it subject to the conditions and requirements imposed by the Minister that may, in particular and notwithstanding the provisions of this Act, concern work to be performed on the parcel of land that will be subject to the claim.

The Minister may also, in the public interest, impose such conditions and requirements on the claim holder during the term of the claim, alter existing conditions and requirements or impose new conditions and requirements.

1987, c. 64, s. 52; 1998, c. 24, s. 29; 2003, c. 15, s. 9; 2013, c. 32, s. 25.

**53.** The registrar shall refer to the Minister, for a decision, any other case where the staking, notice of staking or notice of map designation does not appear to him to meet the requirements of this Act or the regulations or gives rise to a dispute.

The registrar shall also refer to the Minister, for a decision, every notice of staking and any application for the revocation of a claim filed pursuant to paragraph 5 of section 48.

1987, c. 64, s. 53.

**54.** Where more than one notice of staking meeting the requirements of this Act and the regulations is filed for the registration of a claim in respect of the same parcel of land and where an investigation shows that the stakings were simultaneous, the Minister shall designate the holder of the claim by a drawing of lots.

1987, c. 64, s. 54.

**55.** Every decision refusing a notice of staking or a notice of map designation must be in writing and give the reasons on which it is based. A copy of the decision shall be sent to the interested person within 15 days by registered mail.

1987, c. 64, s. 55; I.N. 2016-01-01 (NCCP).

**56.** After the expiry of the time prescribed in section 46, the registrar shall issue to an applicant whose notice of staking is accepted a certificate of registration evidencing the claim from the time of staking and make an entry thereof in the public register of real and immovable mining rights.

The registrar shall issue to an applicant whose notice of map designation is accepted a certificate of registration evidencing the claim from the date of filing of the notice and make an entry thereof in the public register of real and immovable mining rights.

1987, c. 64, s. 56; 1988, c. 9, s. 19.

**57.** The Minister may, if there is no dispute in that respect, rectify an obvious error in the registration of a claim.

1987, c. 64, s. 57.

**58.** The Minister may make any decision concerning the area of a claim where parcels of land overlap each other, or where the area, orientation or length of the boundary lines of the land does not meet the requirements of this Act or the regulations.

For the purposes of the first paragraph, the Minister may allow a post fixing the boundaries of a staked parcel of land to be moved, altered or replaced. He may also order that a survey of the claim be made.

1987, c. 64, s. 58; 1988, c. 9, s. 20; 2003, c. 15, s. 10.

**58.1.** The Minister may make any decision concerning the conversion of a staked claim into a map designated claim or the amalgamation or replacement of map designated claims.

2003, c. 15, s. 11.



**59.** The survey of a claim, carried out in accordance with this Act and the regulations, shall remain in force and be considered to be the delimitation and description of that parcel of land until the claim is abandoned or revoked or expires or until its area is altered.

Where parcels of land subject to a claim are contiguous, the boundaries of the parcel of land subject to the older claim prevail.

Where a statement by the holder of a staked claim establishes that the parcel of land subject to the staked claim is not located within the boundaries of a parcel of land where a claim has been or may be obtained by map designation, the boundaries of the map designated parcel of land prevail.

1987, c. 64, s. 59; 2003, c. 15, s. 12.

**59.1.** The statement provided for in subparagraph 1 of the second paragraph of section 49 and the agreement signed by the holder of the staked claim and provided at the time of the conversion of a mining right into a map designated claim may be set up against third persons.

2003, c. 15, s. 13; 2013, c. 32, s. 26.

**60.** Except where the parcel of land subject to the staked claim is the subject of a statement establishing that it is not located within the boundaries of a parcel of land that is or may be subject to a claim obtained by map designation, a subsequent purchaser of a claim who finds staking irregularities that may result in revocation of the claim may restake the parcel of land in accordance with this division if the validity of the claim is not contested, and file a new notice of staking accompanied with a declaration clearly stating the irregularities and with a sketch of the irregularities.

A notice of staking under the first paragraph is equivalent to a notice of abandonment of the former claim and takes effect upon the issuance of the certificate of registration for the new claim. The new claim is deemed to exist from the same date as that of the former claim and entails the same rights and obligations.

1987, c. 64, s. 60; 2003, c. 15, s. 14.

**60.1.** The Minister shall determine the boundaries of the territories in which claims may be obtained by staking and the boundaries of the territories in which claims may be obtained by map designation, and indicate them on maps kept at the office of the registrar. The Minister shall, from time to time, modify the boundaries of the territories as and when claims obtained by staking are map designated or converted into map designated claims, are not renewed, or are abandoned or revoked.

The notice of modification, accompanied with the map showing the new boundaries of the territories, must be filed and kept at the office of the registrar and made public by the Minister.

The modification shall take effect after the filing, on the date indicated in the notice. However, no such modification may affect the right of a person having staked a parcel of land before the date indicated in the notice or before the date and time of filing of a notice of map designation to file a notice of staking for registration within the required time. In such a case, a corresponding modification shall be made to the map accompanying the notice of modification, except if the person agrees to a conversion into a map designated claim.

1998, c. 24, s. 31; 2003, c. 15, s. 15; 2013, c. 32, s. 27.

**61.** Subject to the special rules in the first paragraph of section 83.3 that apply to the conversion of claims into map designated claims, the first term of a claim expires two years after the claim is registered.

The Minister shall renew the claim for a term of two years provided the claim holder

(1) has applied for the renewal of the claim before the 60<sup>th</sup> day preceding its date of expiry or, on payment of the extra amount fixed by regulation, after that date but before its date of expiry. An application

for renewal must be filed using the form supplied by the Minister and must contain the information determined by regulation;

(2) has paid the fee prescribed by regulation;

(3) has complied with this Act and the regulations throughout the previous term of the claim and, in particular, has performed and reported on the work required under section 72;

(4) has met any other renewal requirement prescribed by regulation.

A claim registered in favour of the State remains in force for the period and on the conditions determined by the Minister, who may dispose of it for the price and subject to the conditions determined by the Government.

If all or part of a claim lies within a mining-incompatible territory, it may only be renewed if work is performed on the claim during any term occurring after the delimitation of that territory.

1987, c. 64, s. 61; 1999, c. 40, s. 178; 1998, c. 24, s. 32; 2003, c. 15, s. 16; 2013, c. 32, s. 28.

## **62.** *(Repealed).*

1987, c. 64, s. 62; 2013, c. 32, s. 29.

**63.** Subject to the conditions determined by the Minister, the Minister may, on his own initiative or at the request of any interested person, suspend the term of the claim,

(1) during such time as the validity of the claim is contested;

(2) for the period he determines, where the claim holder is prevented from performing the work prescribed by section 72;

(3) until he has rendered a decision on an application for a mining lease, where the application concerns the land that is the subject of the claim.

1987, c. 64, s. 63; 1998, c. 24, s. 33.

### **§ 3.** — *Rights and obligations*

**64.** The holder of a claim has the exclusive right to explore for mineral substances on the parcel of land subject to the claim, with the exception of

(1) petroleum, natural gas and brine;

(2) sand other than silica sand used for industrial purposes, gravel, common clay used in the manufacture of clay products and every other mineral substance found in its natural state as a loose deposit, as well as inert mine tailings used for construction purposes;

(3) on any part of the parcel of land that is also subject to an exclusive lease to mine surface mineral substances, every other surface mineral substance.

1987, c. 64, s. 64; 1998, c. 24, s. 34; 2013, c. 32, s. 30.

**65.** Every claim holder has access to the parcel of land subject to his claim and may perform any exploration work thereon.

Notwithstanding the first paragraph, on lands granted, alienated or leased by the State for purposes other than mining purposes or on lands under an exclusive lease to mine surface mineral substances, the claim holder may exercise such rights only in accordance with section 235.

With respect to lands granted, alienated or leased by the State for purposes other than mining purposes and lands subject to an exclusive lease to mine surface mineral substances, the claim holder must, within 60 days after registering the claim and in the manner determined by regulation, notify the owner, the lessee, the holder of the exclusive lease to mine surface mineral substances and the local municipality of the claim obtained.

If the claim is in the territory of a local municipality, the claim holder must also inform the municipality and the landowner, at least 30 days before the work begins, of the work to be performed.

1987, c. 64, s. 65; 1999, c. 40, s. 178; 2013, c. 32, s. 31.

**66.** The claim holder may not erect or maintain any construction on lands of the domain of the State without first obtaining authorization from the Minister, except if the construction is located on the parcel of land subject to the claim and is a construction of a type defined by a ministerial order made under subparagraph 2.1 of the first paragraph of section 304.

When the claim holder becomes aware that a third person is erecting a construction on such lands, he shall immediately notify the Minister in writing.

1987, c. 64, s. 66; 1999, c. 40, s. 178; 1998, c. 24, s. 35.

**67.** Any part of a watercourse with a natural force equal to or greater than 225 kilowatts at its ordinary flow during 6 months together with a strip of land 20 metres in width on each side of the watercourse shall be excluded from any claim and reserved to the State.

The Minister may add to the reserve any area he considers necessary for the development and utilization of the waterpower. Where such an addition is made after the registration of a claim on the land, compensation shall be paid to the claim holder in an amount equal to the amounts spent for all the work performed, on the filing of the reports on that work.

The Minister may, subject to certain conditions, authorize a claim holder to explore for mineral substances on the reserved land.

1987, c. 64, s. 67; 1988, c. 53, s. 2; 1999, c. 40, s. 178; 2013, c. 32, s. 32.

**68.** A claim holder may use, for his mining activities, sand or gravel forming part of the domain of the State except where the land subject to his claim is already under an exclusive lease, in favour of a third person, to mine surface mineral substances.

1987, c. 64, s. 68; 1999, c. 40, s. 178.

**69.** The claim holder shall not extract or dispatch mineral substances except for sampling, nor a quantity in excess of 50 metric tons.

If the claim holder shows that it is necessary to extract or dispatch a greater quantity of mineral substances, other than surface mineral substances, the Minister may authorize him to extract or dispatch a fixed quantity of such mineral substances for the purpose of determining the characteristics of the ore. Within one year after the extraction, the claim holder shall report the quantity of mineral substances extracted and the results of the testing to the Minister.

The application for authorization must be accompanied by the fee prescribed by regulation.

1987, c. 64, s. 69; 1998, c. 24, s. 36; 2013, c. 32, s. 33.

**70.** Where, on land of the domain of the State, and before the registration of any claim, an improvement consistent with the regulation already exists, or where such land is already the subject of a transfer or lease referred to in section 239, no claim holder may carry on any work unless he obtains the authorization of the Minister and complies with such conditions as the latter may determine.

1987, c. 64, s. 70; 1999, c. 40, s. 178.

**71.** Stone may be extracted from lands in the domain of the State, without compensation to the claim holder, for the construction or maintenance of State works.

1987, c. 64, s. 71; 1999, c. 40, s. 178; 2013, c. 32, s. 34.

**71.1.** The claim holder shall, on each anniversary date of the registration of the claim, submit to the Minister a report on the work performed in the year.

2013, c. 32, s. 35.

**72.** Subject to sections 73 and 75 to 81, the claim holder shall, 60 days or more before the expiry of his claim, perform on the land that is subject to his claim work of the nature and for the minimum cost determined by regulation. However, the amounts spent on property examination and technical assessment work shall not be accepted unless the work is performed within 48 months following the date on which the claim was registered.

The claim holder must, not later than that day, report to the Minister on all the work performed, including work for which an exploration allowance or a pre-production development allowance may be claimed under the Mining Tax Act (chapter I-0.4), whether or not it actually is. He may, however, for an additional amount prescribed by regulation, send his report after that date provided he does so before the date of expiry of his claim. The report shall be in the form and accompanied with the documents prescribed by regulation.

1987, c. 64, s. 72; 1988, c. 9, s. 21; 1998, c. 24, s. 37; 2013, c. 32, s. 36.

**73.** Where the work to be performed by the holder of a claim has not been performed or reported within the time prescribed or where the work performed, on the expiry of the time prescribed, is not sufficient for the renewal of the claim, the claim holder may pay the Minister an amount equal to twice the minimum cost of the work that should have been performed or reported or, where applicable, twice the difference between that minimum cost and the cost of the work performed on the land and reported.

1987, c. 64, s. 73; 1998, c. 24, s. 38; 2013, c. 32, s. 37.

**74.** The Minister may refuse all or part of the work where the documents filed

- (1) are incomplete or not consistent with the regulations;
- (2) do not corroborate the stated amounts or the actual cost of the work;
- (3) fail to show that the stated amounts were disbursed solely for the performance of work;
- (4) have been falsified or contain false information;
- (5) pertain to work previously reported by the claim holder or by a third person and accepted as part of another report.

1987, c. 64, s. 74.

**75.** Amounts spent during the term of a claim to perform work in excess of the minimum cost prescribed by regulation and excess amounts accumulated for the claim as at 6 May 2015 may be applied to the six

subsequent terms of the claim, subject to the special rules for the conversion of staked claims into map designated claims.

1987, c. 64, s. 75; 2013, c. 32, s. 38.

**76.** The holder of adjoining claims may, not later than the date of the expiry of the claim to be renewed, apply all or part of the amounts spent to perform, in respect of a claim, any work in excess of the prescribed requirements to a claim the renewal of which is applied for, up to the amount necessary for its renewal, provided the land that is the subject of the application for renewal is included within a 4.5 kilometre radius circle measured from the geometrical centre of the parcel of land subject to the claim in respect of which work was performed in excess of the prescribed requirements.

1987, c. 64, s. 76; 1998, c. 24, s. 39; 2003, c. 15, s. 17.

**77.** *(Repealed).*

1987, c. 64, s. 77; 1998, c. 24, s. 40; 2003, c. 15, s. 18; 2013, c. 32, s. 39.

**78.** Excess amounts spent in respect of a claim by its holder may be applied, in accordance with section 76, towards the renewal of another claim regarding which the holder has made a promise to purchase by way of an instrument registered in the public register of real and immovable mining rights.

If those excess amounts were spent by a person who is not the holder of the claim concerned but who has made a promise to purchase in the manner described in the preceding paragraph, the amounts spent may be applied, with the claim holder's written consent, towards the renewal of a claim held by that person or regarding which the person has made a promise to purchase in the manner described in the preceding paragraph.

1987, c. 64, s. 78; 1988, c. 9, s. 22; 2013, c. 32, s. 40.

**79.** For the purposes of sections 75 to 78, where the work performed is insufficient to permit the renewal of a claim, the claim holder may, within 15 days of being so notified by the Minister, submit a new application for renewal.

If the claim holder fails to do so, the application for renewal shall be amended by the Minister according to the rules prescribed by regulation.

1987, c. 64, s. 79.

**80.** The work performed in respect of a claim during the 24 months preceding the current term may, in a report, be applied to the current term of the claim.

However, where a claim obtained by staking is converted into one or more map designated claims following an application under section 83.2, only the work performed in respect of the claim during the 24 months preceding the date of conversion may be applied, in a report, to the term of the claim that follows the conversion.

1987, c. 64, s. 80; 1988, c. 9, s. 23; 1990, c. 36, s. 2; 1998, c. 24, s. 41.

**81.** All geological, geophysical or geochemical surveys and prospecting work defined by regulation, performed in the territory comprising the parcel of land that is subject to a claim during the 24 months preceding the date of staking or filing of the notice of map designation may, in a report, be applied to the first term of a claim.

However, where a claim obtained by staking is, during its first term, converted into one or more map designated claims following an application under section 83.2, the 24-month period shall be calculated with

reference to the date of conversion, and the surveys and work referred to in the first paragraph may be applied, in a report, to the term immediately following the conversion.

1987, c. 64, s. 81; 1998, c. 24, s. 42.

**81.1.** A claim holder is required to declare to the Minister and to the Minister of Sustainable Development, Environment and Parks any discovery of mineral substances containing 0.1% or more of triuranium octaoxide within 90 days after the discovery.

2013, c. 32, s. 41.

**82.** The Minister may order the cessation of the work if necessary in his judgment to permit the use of the territory for public utility purposes.

In such a case, the Minister shall, subject to certain conditions, suspend the term of the claim.

After six months, if the Minister is of opinion that the cessation of the work must be maintained, he shall terminate the claim and pay compensation equal to the amounts spent for all the work performed, on the filing of the reports on that work.

1987, c. 64, s. 82; 2013, c. 32, s. 42.

#### § 4. — *Abandonment*

**83.** A claim holder may abandon his right by filing a written notice to that effect with the registrar. The claim is deemed to be abandoned on the day on which the registrar registers the abandonment in the public register of real and immovable mining rights.

However, the claim holder may abandon only part of the claim with a view to the classification of an outstanding geological site or a protected area or for any other reason considered sufficient by the Minister. In such a case, the Minister may give the claim holder authorization to move, disturb or replace a post delimiting the staked parcel of land.

1987, c. 64, s. 83; 1988, c. 9, s. 24; 1998, c. 24, s. 43; 2013, c. 32, s. 43.

#### § 5. — *Conversion of mining rights into map designated claims*

**83.1.** *(Repealed).*

1998, c. 24, s. 44; 2013, c. 32, s. 44.

**83.2.** The holder of a claim obtained by staking may apply to the Minister for the conversion of the staked claim into one or more map designated claims.

The application for conversion must be filed using the form supplied by the Minister, and contain the information and be accompanied with the documents determined by regulation.

The claims obtained by conversion shall replace the converted claims from the date of issue of the certificates of registration of the claims converted into map designated claims, and the date of registration of the converted claims is deemed to be the date of conversion.

The conversion of a claim applied for under this section is effected in accordance with sections 83.3 to 83.5.

1998, c. 24, s. 44; 2013, c. 32, s. 45.

**83.3.** The date of expiry of the claims converted into map designated claims shall be the date of expiry of the converted claims. However, where an application for conversion concerns more than one claim held on contiguous parcels of land, the Minister shall fix the date of expiry of the claims converted into map designated claims by calculating, in the manner prescribed by regulation, the average unexpired portion of the terms of all the claims to be converted.

The Minister shall also determine, for each of the parcels of land subject to the converted claims, the minimum cost of the work required for the first renewal of the claims following conversion by adding together the minimum cost of the work to be performed on all the parcels of land that are subject to the claims to be converted and by allocating the resulting total minimum cost among the converted claims in proportion to the respective area of each.

1998, c. 24, s. 44.

**83.4.** The Minister shall allocate any excess amount disbursed for work performed on all the parcels of land subject to the claims to be converted among the resulting map designated claims, in the manner and subject to the conditions prescribed by regulation.

1998, c. 24, s. 44.

**83.5.** In order to establish the minimum cost of the work required to renew the claims converted into map designated claims for every renewal except the first renewal following conversion, the Minister shall determine the number of terms of the converted claims in the manner prescribed by regulation.

1998, c. 24, s. 44.

**83.6.** *(Repealed).*

1998, c. 24, s. 44; 2013, c. 32, s. 46.

**83.6.1.** The Minister may, on the Minister's own initiative, convert a staked claim into a map designated claim in accordance with sections 83.3 to 83.5.

2003, c. 15, s. 19; 2013, c. 32, s. 47.

**83.7.** *(Repealed).*

1998, c. 24, s. 44; 2013, c. 32, s. 48.

**83.8.** *(Repealed).*

1998, c. 24, s. 44; 2013, c. 32, s. 48.

§ 6. —

*Repealed, 2013, c. 32, s. 48.*

2013, c. 32, s. 48.

**83.9.** *(Repealed).*

1998, c. 24, s. 44; 2013, c. 32, s. 48.

**83.10.** *(Repealed).*

1998, c. 24, s. 44; 2013, c. 32, s. 48.

**83.11.** *(Repealed).*

1998, c. 24, s. 44; 2013, c. 32, s. 48.

**83.12.** *(Repealed).*

1998, c. 24, s. 44; 2013, c. 32, s. 48.

**83.13.** *(Repealed).*

1998, c. 24, s. 44; 2013, c. 32, s. 48.

**§ 7.** — *Amalgamation of map designated claims*

2003, c. 15, s. 20.

**83.14.** The Minister may, on his or her initiative or at the request of the claim holder, amalgamate map designated claims that are contiguous to and within the boundaries of a parcel of land whose area and form have been determined by the Minister in accordance with the third paragraph of section 42, to constitute a new map designated claim.

The application for amalgamation must be filed by the claim holder, using the form supplied by the Minister, and must contain the information and be accompanied with the fee prescribed by regulation.

The claim obtained by amalgamation replaces the amalgamated claims as of the issue of the certificate of registration of the new map designated claim, and the date of registration of the claim is deemed to be the date of amalgamation.

The amalgamation of claims under this section is carried out in accordance with sections 83.3 to 83.5.

2003, c. 15, s. 20.

**§ 8.** — *Replacement of map designated claims*

2003, c. 15, s. 20.

**83.15.** Where a map designated claim extends over a parcel of land whose area and form do not correspond to those determined by the Minister and reproduced on the maps kept in the office of the registrar, the Minister may, by virtue of office or on the application of the claim holder, replace that claim with one or more map designated claims covering parcels of land whose area and form must tend to correspond to that determined by the Minister pursuant to the third paragraph of section 42.

The rules provided in sections 42.1 to 42.4 apply, with the necessary modifications, to claims so obtained by replacement.

The application for replacement must be filed by the claim holder, using the form supplied by the Minister, and contain the information and be accompanied with the documents determined by regulation.

The claim obtained replaces the former claim as of the issue of the certificate of registration of the new claim, and its date of registration is deemed to be the date of its replacement.

The replacement of claims under this section is carried out in accordance with sections 83.3 to 83.5.

2003, c. 15, s. 20.



## **DIVISION IV**

*Repealed, 2013, c. 32, s. 49.*

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2013, c. 32, s. 49.

### **84. (Repealed).**

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1987, c. 64, s. 84; 1998, c. 24, s. 45; 2013, c. 32, s. 49.

#### **84.1. (Repealed).**

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1998, c. 24, s. 45; 2013, c. 32, s. 49.

### **85. (Repealed).**

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1987, c. 64, s. 85; 1998, c. 24, s. 46.

### **86. (Repealed).**

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1987, c. 64, s. 86; 1998, c. 24, s. 46.

### **87. (Repealed).**

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1987, c. 64, s. 87; 1998, c. 24, s. 46.

### **88. (Repealed).**

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1987, c. 64, s. 88; 1988, c. 9, s. 25; 1998, c. 24, s. 46.

### **89. (Repealed).**

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1987, c. 64, s. 89; 1998, c. 24, s. 46.

### **90. (Repealed).**

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1987, c. 64, s. 90; 2013, c. 32, s. 49.

### **91. (Repealed).**

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1987, c. 64, s. 91; 1998, c. 24, s. 47; 2013, c. 32, s. 49.

### **92. (Repealed).**

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1987, c. 64, s. 92; 2013, c. 32, s. 49.

#### **92.1. (Repealed).**

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1998, c. 24, s. 48; 2013, c. 32, s. 49.

### **93. (Repealed).**

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1987, c. 64, s. 93; 2013, c. 32, s. 49.

### **94. (Repealed).**

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1987, c. 64, s. 94; 1988, c. 9, s. 26; 2003, c. 15, s. 21; 2013, c. 32, s. 49.

**95.** *(Repealed).*

1987, c. 64, s. 95; 2013, c. 32, s. 49.

**96.** *(Repealed).*

1987, c. 64, s. 96; 2013, c. 32, s. 49.

**97.** *(Repealed).*

1987, c. 64, s. 97; 2013, c. 32, s. 49.

**98.** *(Repealed).*

1987, c. 64, s. 98; 2013, c. 32, s. 49.

**99.** *(Repealed).*

1987, c. 64, s. 99; 2013, c. 32, s. 49.

## **DIVISION V**

### **MINING LEASE AND MINING CONCESSION**

**100.** No person may mine mineral substances, except surface mineral substances, petroleum, natural gas and brine, unless he has previously obtained a mining lease from the Minister or a mining concession under any former Act relating to mines.

1987, c. 64, s. 100; 2013, c. 32, s. 50.

**101.** The Minister shall grant a lease in respect of all or part of a parcel of land that is subject to one or more claims if the claim holder establishes the existence of indicators of the presence of a workable deposit, meets the conditions and pays the annual rental prescribed by regulation.

The lease cannot be granted before the rehabilitation and restoration plan is approved in accordance with this Act, and the certificate of authorization mentioned in section 22, 31.5, 164 or 201 of the Environment Quality Act (chapter Q-2) has been issued.

Despite the second paragraph, the Minister may grant a lease if the time needed to obtain the certificate of authorization is unreasonable.

The Minister shall make public the rehabilitation and restoration plan as submitted to the Minister for approval and register it in the public register of real and immovable mining rights for public information and consultation purposes as part of the environmental impact assessment and review procedure provided for in the Environment Quality Act.

An application for a mining lease must be accompanied by a survey of the parcel of land involved, unless it has already been entirely surveyed, a report describing the nature, extent and probable value of the deposit, certified by an engineer or a geologist who meets the qualification requirements determined by regulation, and a project feasibility study as well as a scoping and market study as regards processing in Québec.

At the Minister's request, the holder of the mining right shall provide the Minister with any document and information relating to the mining project.

The Minister may subject the mining lease to conditions designed to avoid conflicts with other uses of the territory.

1987, c. 64, s. 101; 1998, c. 24, s. 49; 2001, c. 12, s. 15; 2013, c. 32, s. 51.

**101.0.1.** In the case of a metal mine project where the mine has a production capacity of less than 2,000 metric tons per day, the applicant for a mining lease must, before submitting the application and in the manner prescribed by regulation, hold a public consultation in the region where the project is situated. The applicant shall then send a report on the consultation to the Minister and the Minister of Sustainable Development, Environment and Parks.

The rehabilitation and restoration plan required under section 232.1 must be accessible to the public at least 30 days before the consultation begins. The Minister may, if he deems that the consultation was not carried out in the manner prescribed by regulation, impose any additional measure.

The first paragraph does not apply to a rare earth project.

2013, c. 32, s. 52.

**101.0.2.** When granting a lease, the Government may, on reasonable grounds, require that the economic spinoffs within Québec of mining the mineral resources authorized under the lease be maximized.

2013, c. 32, s. 52.

**101.0.3.** The lessee establishes a monitoring committee to foster the involvement of the local community in the project as a whole.

The committee must be established within 30 days after the lease is issued and must be maintained until all the work provided for in the rehabilitation and restoration plan has been completed.

The committee members are chosen in the manner determined by the lessee.

The lessee determines the number of representatives who are to sit on the committee. However, the committee must include at least one representative of the municipal sector, one representative of the economic sector, one member of the public and, if applicable, one representative of a Native community consulted by the Government with respect to the project. A majority of the committee members must be independent from the lessee. All must be from the region in which the mining lease is granted.

2013, c. 32, s. 52.

**101.1.** Notwithstanding the first paragraph of section 101, the Minister may, if part of the parcel of land concerned by the application for a mining lease is already subject to an exclusive lease to mine surface mineral substances, postpone the granting of the mining lease until the applicant has obtained the consent of the holder of the exclusive lease to exercise, should the lease be granted, a right of access to or the right to perform mining operations on the land concerned or, failing agreement as to the amount of compensation to be paid to the holder of the exclusive lease, until an application for the fixing of compensation has been filed with the competent court. An application for the fixing of compensation is heard and decided by preference.

The Minister may refuse to grant the mining lease if the applicant, six months after a decision by the Minister to postpone the granting of the lease, has not obtained the consent of the holder of the exclusive lease or has not filed an application for the fixing of compensation with the competent court.

1998, c. 24, s. 50; I.N. 2016-01-01 (NCCP).

**102.** The land that is subject to a lease must be comprised within a single perimeter and its area must not exceed 100 hectares.

Notwithstanding the first paragraph, where circumstances warrant it, the Minister may agree to grant a lease on a parcel of land having an area in excess of 100 hectares.

1987, c. 64, s. 102.

**103.** The area of the territory subject to claims referred to in section 101 is reduced by the area of the land subject to the lease, and the work to be performed during the current year in the territory is not reduced.

1987, c. 64, s. 103; 2013, c. 32, s. 53.

**104.** The term of a mining lease is 20 years.

The Minister shall renew the lease, by mere notice, for a period of 10 years, not more than three times, provided the lessee

(1) applies therefor before the sixtieth day preceding the expiry of the lease or, failing that, within 60 days preceding the expiry of the lease on payment of an additional amount prescribed by regulation;

(2) has submitted a report establishing that he has performed mining operations for at least two years in the last 10 years of the lease;

(2.1) has provided the Minister with a scoping and market study as regards processing in Québec;

(3) has paid the annual rental prescribed by regulation;

(4) has complied with this Act, the Mining Tax Act (chapter I-0.4) and the regulations throughout the previous term of the lease;

(5) has complied with any other renewal requirement prescribed by regulation.

Notwithstanding the foregoing, after the third renewal of the lease, the Minister may grant five-year extensions.

1987, c. 64, s. 104; 1998, c. 24, s. 51; 2013, c. 32, s. 54.

**105.** Subject to the restrictions contained in this division, a lessee or a grantee has, on land that is subject to a lease or concession, the rights and obligations of an owner.

Notwithstanding the first paragraph, the right to use the surface of land situated within the domain of the State shall be restricted to mining uses, in particular the establishment of tailings yards, workshops, plants and other facilities required for mining activities, and subject to the conditions set out in the lease or concession and in this Act. On lands granted, alienated or leased by the State for purposes other than mining purposes or on lands that are the subject of an exclusive lease to mine surface mineral substances, the right may be exercised only in accordance with section 235.

1987, c. 64, s. 105; 1991, c. 23, s. 2; 1999, c. 40, s. 178.

**106.** Any part of a watercourse with a natural force equal to or greater than 225 kilowatts at its ordinary flow during 6 months together with a strip of land 20 metres in width on each side of the watercourse shall be excluded from any lease and reserved to the State.

The Minister may add to the reserve any area he considers necessary for the development and utilization of the waterpower. Where such an addition is made after the granting of a lease on the land, compensation shall be paid to the lessee.

The Minister, however, may, subject to certain conditions, authorize the lessee to mine mineral substances on the reserved land.

1987, c. 64, s. 106; 1988, c. 53, s. 3; 1999, c. 40, s. 178.

**107.** The following parts of a watercourse or land shall be excluded from any concession and reserved to the State:

(1) any part of a watercourse with a natural force of 110 kilowatts or more, from 15 March 1928;

(2) any strip of land 20 metres in width on each side of the watercourse, from 24 May 1937;

(3) any additional area considered to be necessary by the Government for the development and utilization of waterpower, until 24 October 1988, and, from that date, any additional area considered to be necessary by the Minister for the same purposes. In any such case, compensation shall be paid to the grantee.

Notwithstanding the first paragraph, the Minister may authorize the grantee, subject to certain conditions, to mine mineral substances on the reserved land.

1987, c. 64, s. 107; 1999, c. 40, s. 178.

**110.** Sand and gravel not granted under any former Act relating to mines, petroleum, natural gas and brine are excluded from the concession.

1987, c. 64, s. 108.

**109.** A lessee and a grantee may use, for their mining activities, sand and gravel that is part of the domain of the State except where the land that is subject to the lease is already subject to an exclusive lease to mine surface mineral substances in favour of a third person.

1987, c. 64, s. 109; 1988, c. 9, s. 27; 1999, c. 40, s. 178.

**110.** 5% of the area of the land affected by a lease or concession and situated on lands of the domain of the State shall be reserved to the State for public development purposes.

1987, c. 64, s. 110; 1999, c. 40, s. 178.

**111.** Stone for the construction or maintenance of State works may be extracted from lands of the domain of the State without compensation to the lessee or grantee.

1987, c. 64, s. 111; 1999, c. 40, s. 178; 2013, c. 32, s. 55.

**112.** *(Repealed).*

1987, c. 64, s. 112; 1998, c. 24, s. 52.

**113.** *(Repealed).*

1987, c. 64, s. 113; 1998, c. 24, s. 52.

**114.** All lots subject to a mining concession that have been alienated in accordance with the Mining Act as it read on the date on which the alienation was authorized, and all lots the transfer of which cannot be invalidated under section 361, shall be withdrawn from the mining concession and shall form part of the private domain from the date of alienation or transfer.

1987, c. 64, s. 114; 1998, c. 24, s. 53.

**115.** *(Repealed).*

1987, c. 64, s. 115; 1996, c. 2, s. 738; 1998, c. 24, s. 54.

**115.1.** From 17 June 1998, all lands in the domain of the State that are subject to a mining concession shall be governed, in addition to the provisions of this Act, by the provisions of the Act respecting the lands in the domain of the State (chapter T-8.1) and the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2).

The first paragraph applies to lots the alienation of which was authorized but for which no instrument of alienation has been made and published at the registry office before the said date.

The concession holder is not entitled to any indemnity or reimbursement in respect of any claim arising from the application of this section.

1998, c. 24, s. 55; 1999, c. 40, s. 178; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

**116.** The lessee shall pay the annual rental before the beginning of each year of his lease and comply with the conditions of the lease. The annual rental and the conditions of the lease are prescribed by regulation.

1987, c. 64, s. 116.

**117.** The lessee shall commence mining operations within four years from the date of the lease.

Notwithstanding the first paragraph, the Minister may, where the lessee has a valid reason for requesting it, grant an extension of time on the conditions, for the rental and for the term he determines.

1987, c. 64, s. 117.

**118.** The grantee shall commence mining operations within five years after 10 December 2013.

1987, c. 64, s. 118; 2013, c. 32, s. 56.

**118.1.** Before beginning mining operations and every 20 years after they begin, a grantee shall send the Minister a scoping and market study as regards processing in Québec.

2013, c. 32, s. 57.

**119.** Before mining operations begin and 20 years after they begin, the Government may, on reasonable grounds, require the maximization of the economic spinoffs within Québec of mining the mineral resources authorized under the mining concession.

1987, c. 64, s. 119; 1988, c. 9, s. 28; 2013, c. 32, s. 58.

**120.** Every lessee and grantee shall prepare a report showing, for each mine, the quantity of ore extracted during the previous year, its value, the duties paid under the Mining Tax Act (chapter I-0.4) during that period, the overall contributions paid by the lessee and grantee and any other information determined by regulation and send it either

(1) to the Minister, not later than the 150th day following the end of their fiscal year or, in the case of a natural person, of the calendar year; or

(2) to the Authority at the same time as the statement required under the Act respecting transparency measures in the mining, oil and gas industries (chapter M-11.5).

The Authority shall, without delay, send the Minister the report received under subparagraph 2 of the first paragraph.

1987, c. 64, s. 120; 2013, c. 32, s. 58; 2015, c. 23, s. 48.

**121.** Where contiguous parcels of land with a total area not exceeding 2,000 ha have been leased by separate leases to the same person, the Minister may allow the work to be undertaken on one of the parcels of land only.

Subject to the same conditions, the Minister may grant the same authorization to a grantee referred to in section 100 and allow him to concentrate the work on one parcel of land.

1987, c. 64, s. 121; 2013, c. 32, s. 59.

**122.** A lessee or grantee may abandon his right in respect of all or part of the land subject to his lease or concession provided that

(1) he applies therefor in writing and that, following the application, the Minister has notified all creditors having registered an instrument referred to in paragraph 3 of section 13 in the public register of real and immovable mining rights;

(2) he has paid the duties exigible under the Mining Tax Act (chapter I-0.4);

(3) he has transmitted the plans, registers and reports referred to in section 226 to the Minister;

(4) he has obtained the authorization of the Minister, who shall grant his authorization after obtaining a favourable opinion from the Minister of Sustainable Development, Environment and Parks and not before 30 days from the date of transmission of the notice provided for in paragraph 1;

(5) he has complied with the other provisions of this Act and the regulations.

1987, c. 64, s. 122; 1994, c. 17, s. 75; 1999, c. 36, s. 158; 2006, c. 3, s. 35; 2011, c. 6, s. 290; 2013, c. 32, s. 60.

**123.** Within 30 days from the abandonment of a lease or concession or from the expiry of a lease, the lessee or grantee shall have priority of registration, by notice of map designation, of a claim in respect of all or part of the land that was subject to the abandoned or expired title. In that case, a claim may be obtained on each part of a lot if the lease or concession covers part of a lot and the holder or grantee does not hold a claim on the other part of the lot.

Thereafter, registration under the first paragraph may be applied for by any interested person in respect of any part of the land that has not become subject to a claim pursuant to the first paragraph.

1987, c. 64, s. 123; 1998, c. 24, s. 56.

**124.** A grantee may obtain letters patent from the Minister in respect of the land subject to the concession on proof that the mining operations were begun within the time prescribed under section 118.

Letters patent issued over the signature of the Minister have the same force as if they had been issued and signed by the Lieutenant-Governor and the Attorney General under the Great Seal.

The letters patent shall be registered by the Minister of Justice in his capacity as Registrar of Québec.

1987, c. 64, s. 124.

**125.** Where letters patent contain an error concerning the area or designation of the parcel of land concerned or the name of the holder or any other clerical error, the Minister may cancel the letters patent and issue corrected letters patent having effect on the same date, unless the error is the subject of a dispute.

Where possible, the Minister may also correct letters patent without cancelling them.

1987, c. 64, s. 125.

**126.** The Minister shall notify the Registrar of Québec of the issue, correction or cancellation of letters patent.

Mention shall be made of any correction or cancellation in the margin of the registered letters patent together with a reference to the registration number of the correction or cancellation.

1987, c. 64, s. 126; 2000, c. 42, s. 186.

## **DIVISION VI**

*Repealed, 2013, c. 32, s. 61.*

2013, c. 32, s. 61.

### **127. (Repealed).**

1987, c. 64, s. 127; 2013, c. 32, s. 61.

### **128. (Repealed).**

1987, c. 64, s. 128; 2013, c. 32, s. 61.

### **129. (Repealed).**

1987, c. 64, s. 129; 2013, c. 32, s. 61.

## **DIVISION VII**

*Repealed, 2013, c. 32, s. 61.*

2013, c. 32, s. 61.

### **130. (Repealed).**

1987, c. 64, s. 130; 1998, c. 24, s. 58; 2013, c. 32, s. 61.

### **130.1. (Repealed).**

1998, c. 24, s. 58; 2013, c. 32, s. 61.

### **131. (Repealed).**

1987, c. 64, s. 131; 1998, c. 24, s. 59.

### **132. (Repealed).**

1987, c. 64, s. 132; 1988, c. 9, s. 29; 1998, c. 24, s. 59.

### **133. (Repealed).**

1987, c. 64, s. 133; 1990, c. 36, s. 3; 1998, c. 24, s. 59.

### **134. (Repealed).**

1987, c. 64, s. 134; 2013, c. 32, s. 61.

### **135. (Repealed).**

1987, c. 64, s. 135; 1998, c. 24, s. 60; 2013, c. 32, s. 61.



**136.** *(Repealed).*

1987, c. 64, s. 136; 1998, c. 24, s. 61; 2013, c. 32, s. 61.

**137.** *(Repealed).*

1987, c. 64, s. 137; 1988, c. 9, s. 30; 2013, c. 32, s. 61.

**138.** *(Repealed).*

1987, c. 64, s. 138; 2013, c. 32, s. 61.

**139.** *(Repealed).*

1987, c. 64, s. 139; 2013, c. 32, s. 61.

## **DIVISION VIII**

### **LEASE TO MINE SURFACE MINERAL SUBSTANCES**

**140.** No person may extract or mine surface mineral substances unless he has obtained a lease to mine surface mineral substances from the Minister.

In the event of a disaster, the Minister may authorize a person who is not a lessee to extract in a year a fixed quantity of surface mineral substances, subject to certain conditions. Every person receiving such authorization must pay the duties and royalty fixed by regulation.

1987, c. 64, s. 140; 1998, c. 24, s. 62; 2013, c. 32, s. 62.

**140.1.** An applicant for a peat lease or a lease to carry on an industrial activity or to engage in commercial export shall hold a public consultation on the project in the region where the project is situated and in the manner prescribed by regulation after submitting the application.

At the Minister's request, the applicant shall provide the Minister with any document or information relating to the public consultation. If the Minister finds that the consultation was not carried out in the manner prescribed by regulation, the Minister may impose any additional measure.

The Minister may subject the lease to conditions designed to avoid conflicts with other uses of the territory or to follow up on comments received during the public consultation.

2013, c. 32, s. 63.

**141.** The lease is non-exclusive where it is granted for the extraction or mining of the following substances used for construction purposes: sand, except silica sand used for industrial purposes, gravel, common clay, every other mineral substance found in its natural state as a loose deposit and inert tailings; however, the lease may be exclusive if granted to a municipality or an intermunicipal board for the construction or maintenance of its streets and road network.

The lease is exclusive where it is granted for the extraction or mining of silica sand used for industrial purposes or for surface mineral substances other than those mentioned in the first paragraph. The lease is also exclusive where it is granted for the extraction or mining of sand, gravel, common clay or a mineral substance found in its natural state as a loose deposit, if it is shown to the Minister's satisfaction that a supply guarantee is necessary for the carrying on of an industrial activity, or a crushing activity to guarantee supplies for an industrial activity or to engage in commercial export outside Québec, or where the lease is applied for by the State for the construction or maintenance of a public highway or other State works.

1987, c. 64, s. 141; 1999, c. 40, s. 178; 1998, c. 24, s. 63; 2003, c. 15, s. 22.

**142.** The Minister shall grant a lease in respect of a given parcel of land to any person who meets the requirements and pays the rental prescribed by regulation.

Notwithstanding the first paragraph, no non-exclusive lease shall be granted, except to the State, where the land concerned is subject to a mining lease, a mining concession, an exclusive lease to mine surface mineral substances or, subject to the fourth paragraph, an application for such an exclusive lease, held or made by a third person.

No exclusive lease is granted if the parcel of land concerned is subject to a mining lease, a mining concession or an exclusive lease to mine surface mineral substances in favour of a third person or if an application for a mining lease has been filed in favour of a third person. Nor is such a lease granted if the parcel of land concerned is subject to a claim in favour of a third person, unless the lease applied for is only to mine a surface mineral substance referred to in paragraph 2 of section 64 and excluded from the exclusive right to explore for mineral substances granted to the holder under the claim.

The Minister may refuse an application for an exclusive lease where he considers it necessary to reserve the land in order to guarantee the supply required for the carrying out of a non-exclusive lease already granted or other non-exclusive leases which may be granted subsequently.

1987, c. 64, s. 142; 1990, c. 36, s. 4; 1999, c. 40, s. 178; 1998, c. 24, s. 64; 2013, c. 32, s. 64.

**142.0.1.** The Minister may refuse an application for a sand and gravel lease, in the public interest. The Minister may also refuse such an application in order to avoid conflicts with other uses of the territory.

2013, c. 32, s. 65.

**142.0.2.** The Minister may, at any time and in the public interest, terminate a lease to mine sand, gravel or stone. In such a case, the Minister shall grant the lease holder a lease in respect of another parcel of land. Failing that, the Minister shall compensate the holder for the loss suffered.

The Minister may reduce the leased area for the same reasons and subject to the same conditions.

2013, c. 32, s. 65.

**142.1.** No person may apply for an exclusive lease to mine surface mineral substances on a parcel of land that is subject to a claim the registration of which has been refused or to an abandoned, revoked, unrenewed or expired claim, before the lapse of the time fixed in the first paragraph of section 38.

However, in no case may the holder of the abandoned, revoked, unrenewed or expired claim or any person who had an interest therein, or any person whose application for the registration of a claim has been refused, apply for an exclusive lease to mine surface mineral substances, on his own behalf, on the parcel of land that was subject thereto before an additional 30-day period.

For the purposes of the second paragraph, a natural person, the person's representatives and their employees or, in the case of a legal person, the legal person, its subsidiaries and their directors, executives, representatives and employees are deemed to constitute a single person.

Where the interested person withdraws an appeal relating to a refusal to register, a refusal to authorize work, a refusal to renew or a revocation, the period begins to run from the day a notice of discontinuance is filed in the office of the Court of Québec.

This section does not apply to an application for an exclusive lease to mine surface mineral substances that concerns only the mining of a surface mineral substance referred to in paragraph 2 of section 64 that is excluded from the exclusive right to explore for mineral substances granted to the holder under the claim.

1998, c. 24, s. 65; 2003, c. 15, s. 23; 2013, c. 32, s. 66.

**143.** A non-exclusive lease is not transferable.

1987, c. 64, s. 143.

**144.** The following sites and parcel of land may not be leased:

- (1) a parcel of land subject to an improvement provided for by regulation;
- (2) a parcel of land withdrawn from prospecting, mining exploration and mining operations;
- (3) a parcel of land regarding which a temporary suspension notice has been issued in accordance with section 304.1;
- (4) an outstanding geological site classified under section 305.1; and
- (5) a parcel of land used as a cemetery within the meaning of the Act respecting Roman Catholic cemetery companies (chapter C-40.1) or established as a cemetery in accordance with the Non-Catholic Cemeteries Act (chapter C-17).

The Minister may refuse to grant a lease or may grant a lease subject to conditions and obligations which may concern, among other matters and despite this Act, the work required to be performed if the lease concerns a parcel of land

- (1) situated in an Indian reserve;
- (2) designated as a migratory bird sanctuary under the Migratory Birds Convention Act, 1994 (S.C. 1994, c. 22);
- (3) where the mineral substances referred to in section 6, except sand and gravel, are being mined or have been mined in the past; or
- (4) reserved to the State under section 304.

2013, c. 32, s. 67.

**145.** The parcel of land subject to an exclusive lease must be comprised within a single perimeter and its area, as determined by the Minister, must not exceed 100 hectares. However, in the case of an exclusive lease to produce peat, the area must not exceed 300 hectares.

Notwithstanding the first paragraph, the Minister, taking the projected rate of production and the capacity of the operation into account, may grant an exclusive lease to produce peat on a parcel of land of an area in excess of 300 hectares to guarantee a supply of peat for a period of approximately 50 years.

1987, c. 64, s. 145; 1990, c. 36, s. 5.

**146.** At the beginning of each year of the lease, the Minister may grant the lessee of an exclusive lease an increase in the area of the territory covered by the lease, provided

- (1) the added land is contiguous to that territory;
  - (1.1) the lessee, in the case of sand, gravel, common clay or a mineral substance found in its natural state as a loose deposit, establishes to the satisfaction of the Minister that the increase is necessary in order to carry on an activity during the current term of his lease;
- (2) the total area of the land is consistent with the requirements of section 145;

(3) the lessee has paid the fees prescribed by regulation and complied with the other provisions of this Act and the regulations.

1987, c. 64, s. 146; 1990, c. 36, s. 6; 1998, c. 24, s. 67.

**147.** A non-exclusive lease is effective from the date the registrar issues a certificate of registration of the lease and ends on 31 March of the year following the year in which the certificate of registration is issued.

The Minister shall renew a non-exclusive lease, no more than 10 times, for one-year periods, provided the lessee

(1) applies therefor before the date of expiry of the lease;

(2) has paid the rental prescribed by regulation;

(3) has complied with this Act and the regulations throughout the previous term of his lease and, particularly, has made the reports required under section 155;

(4) has met any other renewal requirement prescribed by regulation.

The Minister may extend the term of a lease following the tenth renewal, for one-year periods.

Notwithstanding the foregoing, the renewal shall be refused where the land concerned was, during the preceding term of the lease, subject to a mining lease held by a third person.

1987, c. 64, s. 147; 1990, c. 36, s. 7; 1998, c. 24, s. 68; 2013, c. 32, s. 68.

**148.** The term of an exclusive lease fixed by the Minister may not exceed 10 years. The Minister shall fix the term of the lease on the basis of the anticipated duration of the activities to which the application for extraction or mining pertains. However, the term of an exclusive lease to produce peat is 15 years.

The Minister shall renew an exclusive lease, no more than twice, for five-year periods, provided the lessee

(1) applies therefor 60 days or more before the expiry of the lease or, on payment of an additional amount prescribed by regulation, within 60 days before the expiry of the lease;

(2) has carried on mining operations for at least 1/5 of the term of his lease;

(3) has paid the rental prescribed by regulation;

(4) has complied with this Act and the regulations throughout the previous term of his lease;

(5) has met any other renewal requirement prescribed by regulation.

Notwithstanding the foregoing, an exclusive lease for the production of peat shall be renewed for a period of 15 years.

After the second renewal of the lease, the Minister may grant 5-year extensions or, in the case of a peat lease, 15-year extensions.

Upon renewing an exclusive lease for the extraction or mining of sand, gravel, common clay or mineral substances found in their natural state as a loose deposit, the Minister may alter the area covered by the lease if he considers it necessary in order to reserve an area of land to guarantee the supply required for the purposes of non-exclusive leases which may be granted subsequently, provided the alteration does not, during the period of renewal of the exclusive lease, adversely affect the carrying on of the activity of the lessee under an exclusive lease.

The renewal shall be refused for the extraction or mining of sand, gravel, common clay or mineral substances found in their natural state as a loose deposit where the Minister is of opinion that the supply guarantee is no longer necessary for the carrying on of the activity to which the application for extraction or mining pertains.

1987, c. 64, s. 148; 1990, c. 36, s. 8; 1998, c. 24, s. 69; 2013, c. 32, s. 69.

**149.** The lessee has access to the parcel of land subject to his lease and he may extract or mine surface mineral substances thereon.

However, on land granted, alienated or leased by the State for purposes other than mining purposes, the rights referred to in the first paragraph may be exercised only as provided in section 235.

1987, c. 64, s. 149; 1999, c. 40, s. 178.

**150.** Any part of a watercourse with a natural force equal to or greater than 225 kilowatts at its ordinary flow during 6 months together with a strip of land 20 metres in width on each side of the watercourse shall be excluded from the lease and reserved to the State.

The Minister may add to the reserve any area he considers necessary for the development and utilization of the waterpower. Where such an addition is made after the granting of a lease on the land concerned, compensation shall be paid to the lessee.

Notwithstanding the foregoing, the Minister may, subject to certain conditions, authorize the lessee to extract or mine surface mineral substances on the reserved land.

1987, c. 64, s. 150; 1988, c. 53, s. 4; 1999, c. 40, s. 178.

**150.1.** Five percent of the area of any parcel of land subject to a lease to mine surface mineral substances is reserved to the State for public development purposes.

2013, c. 32, s. 70.

**151.** Sand, stone and gravel for the construction or maintenance of the works of the State may be extracted from lands forming part of the domain of the State without compensation to the lessee.

1987, c. 64, s. 151; 1999, c. 40, s. 178.

**151.1.** No exclusive lease may be granted in respect of land that is subject to one or several non-exclusive leases at the time the application is made, unless the person applying for the exclusive lease has, beforehand, reached an agreement with each lessee under a non-exclusive lease as to the amount of and the terms and conditions applicable to the compensation he is entitled to receive.

When an agreement has been reached with every lessee under a non-exclusive lease concerned, the Minister shall transmit to each lessee a notice informing him that, notwithstanding section 147, his lease expires 90 days after the date of the notice. The Minister shall grant the exclusive lease at the expiry of the period of 90 days.

Any dispute concerning the determination of the amount of and the terms and conditions applicable to the compensation shall be submitted to arbitration at the request of the person applying for the exclusive lease or of a lessee under a non-exclusive lease, in accordance with the provisions of Title II of Book VII of the Code of Civil Procedure (chapter C-25.01). The decision of the arbitrator shall have the effect of an agreement between the parties.

1990, c. 36, s. 9; I.N. 2016-01-01 (NCCP).

**152.** The lessee shall comply with the conditions of the lease prescribed by regulation and any other condition imposed on him by the Minister upon the granting of the lease, in the public interest or because of the existence of other mining rights in the land in respect of which the lease has been granted.

1987, c. 64, s. 152.

**153.** Every lessee under an exclusive lease shall commence his operations within the time indicated in the lease.

1987, c. 64, s. 153.

**154.** Every lessee shall keep detailed records of his operations including a copy of all documents relating to the alienation and shipment of extracted substances.

1987, c. 64, s. 154.

**155.** On the dates fixed by regulation, the lessee shall transmit to the Minister a report indicating the quantity of surface mineral substances extracted, its value, and the quantity of mineral substances alienated. The report must be submitted with the royalty fixed by regulation, where applicable.

Notwithstanding the first paragraph, the Minister may, in the cases provided for by regulation, allow a lessee to transmit one yearly report on the date fixed by the Minister or require the holder of a non-exclusive lease to transmit monthly reports on the dates fixed by the Minister.

No royalties are payable on sand, gravel and stone extracted from a sand pit or quarry for the construction or maintenance, on lands in the domain of the State, of

(1) a mining road;

(2) a forest road, if it is used for forest development activities within the meaning of the Sustainable Forest Development Act (chapter A-18.1); however, royalties remain payable if the work is carried out pursuant to a forestry permit issued under section 73 of that Act for forest development activities other than the harvest of timber to supply a wood processing plant;

(3) a public highway constructed or maintained by the State, where the State holds a lease to mine surface mineral substances;

(4) all or part of a road with respect to which a municipality has obtained an authorization to see to maintenance and repair in accordance with section 66 of the Municipal Powers Act (chapter C-47.1); or

(5) a road, by a non-profit organization determined by the Minister.

1987, c. 64, s. 155; 1999, c. 40, s. 178; 1998, c. 24, s. 70; 2001, c. 6, s. 144; 2010, c. 3, s. 300; 2013, c. 32, s. 71; 2015, c. 23, s. 49.

**156.** The lessee under an exclusive lease may abandon his right in all or part of the parcel of land that is subject to his lease, provided that

(1) he applies therefor in writing and that, following the application the Minister has notified all creditors having registered an instrument referred to in paragraph 3 of section 13 in the public register of real and immovable mining rights;

(2) the residual area, in the case of partial abandonment, is comprised within a single perimeter;

(3) he has obtained the authorization of the Minister who shall grant his authorization after obtaining a favourable opinion from the Minister of Sustainable Development, Environment and Parks and not before 30 days from the date of transmission of the notice provided for in paragraph 1;

(4) he has complied with the other provisions of this Act and the regulations.

1987, c. 64, s. 156; 1994, c. 17, s. 75; 1999, c. 36, s. 158; 2006, c. 3, s. 35; 2013, c. 32, s. 72.

## **DIVISION IX**

### **LICENCE FOR GEOPHYSICAL SURVEYING**

**157.** No person may make a geophysical survey to determine whether geological conditions are favourable to exploration for petroleum, natural gas or underground reservoirs unless he holds a licence for geophysical surveying issued by the Minister.

The words “geophysical surveying” mean any method of exploration for petroleum, natural gas or underground reservoirs by indirect measurement of the physical features of the subsoil effected above or on the surface, particularly seismic reflection, seismic refraction, gravimetric, magnetic, resistivity or geochemical surveying and any other indirect method used to determine any feature of the subsoil.

1987, c. 64, s. 157; 1998, c. 24, s. 71.

**158.** The licence shall be issued in respect of a given territory to any person who meets the requirements and pays the fees prescribed by regulation.

The licence is not transferable.

1987, c. 64, s. 158; 1998, c. 24, s. 72.

**159.** The licensee shall comply with the conditions of the licence prescribed by regulation.

Within one year after the geophysical survey is made, the licensee shall transmit to the Minister a report in the form and accompanied with the documents prescribed by regulation.

1987, c. 64, s. 159; 1988, c. 9, s. 32.

## **DIVISION X**

### **WELL DRILLING LICENCE, WELL COMPLETION LICENCE AND WELL CONVERSION LICENCE**

**160.** No person may drill a well to explore for, or produce petroleum or natural gas or to explore for or operate an underground reservoir unless he holds, for each drilling, a well drilling licence issued by the Minister.

No person may complete or convert such a well unless he holds, for each completion or conversion, a well completion or well conversion licence issued by the Minister.

1987, c. 64, s. 160; 1998, c. 24, s. 73.

**161.** The licence shall be issued to any person who meets the requirements and pays the fees prescribed by regulation.

The Minister shall refuse to issue a licence where the applicant is not already the holder of a licence to explore for petroleum, natural gas and underground reservoirs, a lease to produce petroleum and natural gas or a lease to operate an underground reservoir with respect to the land that is the subject of the licence application.

The licence is not transferable.

1987, c. 64, s. 161; 1998, c. 24, s. 74.

**162.** The licensee shall comply with the conditions of the licence prescribed by regulation.

Within one year after the end of the drilling of a well, the licensee shall transmit to the Minister a report in the form and accompanied with the documents prescribed by regulation.

1987, c. 64, s. 162.

**163.** Where drilling is temporarily or permanently discontinued, the licensee shall close the well in accordance with section 164 or complete it.

1987, c. 64, s. 163; 1988, c. 9, s. 33.

**164.** A person exploring for or producing petroleum or natural gas or exploring for or operating an underground reservoir may discontinue operations in respect of a well at any time provided

(1) he applies therefor in writing to the Minister;

(1.1) he pays the fee prescribed by regulation;

(2) he has met the requirements relating to the closing of a well prescribed by regulation;

(3) he has obtained the authorization of the Minister, granted after consultation with the Minister of Sustainable Development, Environment and Parks;

(4) he has registered, in the registry office, a declaration of the existence and location of the closed well. The declaration shall be registered in the register of real rights of State resource development and, where applicable, in the file relating to the immovable affected by the well, either in the index of immovables or in the register of public service networks and immovables situated in territory without a cadastral survey.

1987, c. 64, s. 164; 1988, c. 9, s. 34; 1994, c. 17, s. 75; 1999, c. 36, s. 158; 1998, c. 24, s. 75; 2000, c. 42, s. 187; 2006, c. 3, s. 35; 1998, c. 24, s. 75; 2013, c. 16, s. 10.

## **DIVISION XI**

### **LICENCE TO EXPLORE FOR PETROLEUM, NATURAL GAS AND UNDERGROUND RESERVOIRS**

1998, c. 24, s. 76.

**165.** No person may explore for petroleum, natural gas or underground reservoirs without holding a licence to explore for petroleum, natural gas and underground reservoirs. The conditions to which the licence is subject and the fee payable are prescribed by regulation.

1987, c. 64, s. 165; 1998, c. 24, s. 77; 2013, c. 16, s. 11.

**166.** The Minister shall award a licence in respect of the territory at the time and under the conditions determined by the Minister.

No licence may be awarded in respect of a territory that is subject to a lease to produce petroleum and natural gas or a lease to operate an underground reservoir.

No licence may be awarded to a person who held a right relating to petroleum, natural gas or an underground reservoir that was subject to a revocation during the two years prior to the beginning of the awarding process.

1987, c. 64, s. 166; 1998, c. 24, s. 78; 2013, c. 16, s. 12.



**166.1.** *(Repealed).*

1998, c. 24, s. 79; 2013, c. 16, s. 13.

**167.** *(Repealed).*

1987, c. 64, s. 167; 1998, c. 24, s. 80.

**168.** The territory subject to a licence must be comprised within a single perimeter and its area must not exceed 250 km<sup>2</sup>.

1987, c. 64, s. 168; 2013, c. 16, s. 21.

**169.** The term of the licence is five years.

Except in the case provided for in section 169.1, the Minister shall renew the licence for a term of one year, not more than five times, in respect of all or part of the territory for which the licence had been issued, provided the licensee

- (1) applies therefor before the date of expiry of the licence;
- (2) has paid the fee prescribed by regulation;
- (3) has complied with this Act and the regulations throughout the previous term of his licence;
- (4) has met any other renewal requirement prescribed by regulation.

1987, c. 64, s. 169; 1998, c. 24, s. 81.

**169.1.** The Minister may, during the fifth renewed term of a licence, authorize an extension of the term of the licence for the part of the territory covered by the licence that is recognized by the Minister as being the site of a significant find, where the licence holder shows, on the basis of sound evidence, the existence of petroleum, natural gas or an underground reservoir, as the case may be, able to be developed on an economic basis.

The application must be filed by the licence holder at least 60 days before the expiry of the fifth renewed term of the licence, and must be accompanied with a report, certified by an engineer, giving a detailed description of the nature and location of the evidence. The Minister may also require any other research or information that is considered necessary by the Minister.

Where the Minister grants authorization, the area of the territory covered by the licence that is recognized as a significant find shall be designated by the Minister, who shall also fix the term of the licence extension for that area and the amount of the duties payable. The Minister shall determine the conditions and requirements to which the licence extension is subordinated.

1998, c. 24, s. 82.

**169.2.** The Minister may, on his own initiative or at the request of any interested person, suspend the term of the licence on the conditions he determines,

- (1) for any period during which the validity of the licence is contested;
- (2) for any period fixed by the Minister, when the licence holder is prevented from performing the work prescribed by section 177;
- (3) until the Minister has rendered a decision pursuant to section 169.1.

1998, c. 24, s. 82.

**170.** Every licensee has access to the territory described in his lease and he may perform any exploration work thereon.

However, on land granted, alienated or leased by the State for purposes other than mining purposes, the rights referred to in the first paragraph may be exercised only as provided in section 235.

1987, c. 64, s. 170; 1999, c. 40, s. 178.

**171.** (*Repealed*).

1987, c. 64, s. 171; 1998, c. 24, s. 83; 2013, c. 16, s. 14.

**172.** The licensee shall pay the annual fee before the beginning of each year of the term of his licence and shall comply with the conditions of the licence. The annual fee and the conditions of the licence are prescribed by regulation.

1987, c. 64, s. 172.

**173.** The licensee, with the authorization of the Minister, may perform exploration work for petroleum, natural gas or underground reservoirs in a territory bordering on the territory subject to his licence, provided the proposed exploration work is necessary to gain better knowledge of the territory subject to his licence.

1987, c. 64, s. 173; 1998, c. 24, s. 84.

**174.** No holder of an exploration licence may extract or dispose of petroleum or natural gas except during the trial period and subject to the conditions prescribed by regulation.

1987, c. 64, s. 174; 1998, c. 24, s. 85.

**175.** No holder of an exploration licence may use an underground reservoir except during the trial period and subject to the conditions prescribed by regulation.

The Minister may extend the trial period for another period of the same duration on the same conditions, provided that the holder

(1) applies therefor in writing;

(2) has complied with the conditions prescribed by regulation throughout the previous trial period.

1987, c. 64, s. 175; 1988, c. 9, s. 35; 1998, c. 24, s. 86.

**176.** The holder of an exploration licence shall notify the Minister in writing upon discovering a deposit of petroleum or natural gas in the territory subject to his licence and give him detailed information on the nature and location of the deposit.

Within three months after the discovery, the licensee shall, at the request of the Minister, transmit an assessment of the economic potential of the deposit.

Within six months after the production of an assessment confirming the presence of an economically workable petroleum or natural gas deposit, the holder of an exploration licence shall transmit to the Minister an application for a lease to produce petroleum and natural gas.

1987, c. 64, s. 176; 1998, c. 24, s. 87.

**177.** Subject to sections 178 and 180 to 183, the licensee shall perform each year, in the territory subject to his licence, work of the nature and for the minimum cost determined by regulation.

The licensee shall report the work to the Minister within six months after the end of the year in which the work was performed; the report shall be in the form and accompanied with the documents prescribed by regulation.

1987, c. 64, s. 177; 1998, c. 24, s. 88.

**178.** The Minister may exempt a licensee from all or part of the required work he did not perform within the prescribed time, provided

(1) he informs the Minister in writing, before the end of the year for which the work was required, of the reasons why he did not perform the work;

(2) he pays an amount equal to the minimum cost of the work he was required to perform or, where such is the case, an amount equal to the difference between the minimum cost and that of the work performed and reported.

The Minister may also authorize the licensee to perform all or part of the required work the following year, in addition to the work required for that year, provided he informs the Minister in writing of the reasons he was unable to perform the work and furnishes security covering the cost of the work remaining to be performed for the two years. The security shall be returned to the licensee on the Minister's acceptance of the report pertaining to the work.

1987, c. 64, s. 178.

**179.** The Minister shall refuse all or part of the work reported where the documents transmitted

(1) are incomplete or not consistent with the regulations;

(2) do not corroborate the stated amounts or the actual cost of the work;

(3) fail to show that the stated amounts were disbursed solely for the performance of work;

(4) have been falsified or contain false information;

(5) pertain to work already reported by the licensee or a third person and accepted as part of another report.

1987, c. 64, s. 179.

**180.** The holder of several exploration licences may, in his report, apply all or part of the amounts spent for work performed in a territory subject to a licence to his other exploration licences, in the proportion he determines, provided

(1) he informs the Minister thereof in writing;

(2) the territory in which the work was performed and the territory to which the amounts spent for the work are applied are located in part within a radius of 40 kilometres.

1987, c. 64, s. 180; 1998, c. 24, s. 89.

**181.** Any amount disbursed to perform work in excess of the prescribed requirements may be applied to subsequent years of the term of a licence provided a detailed statement of the amounts disbursed, certified by a chartered professional accountant auditor, is furnished by the licensee to the Minister within six months after the end of the year in which the work is performed.

The excess is also applicable, at half-value, to any renewed term of the licence.

1987, c. 64, s. 181; 2012, c. 11, s. 33.

**182.** The excess of the amounts disbursed for work performed prior to the abandonment of part of the territory subject to the licence is reduced proportionately to the abandoned area and is applicable to the residual area.

1987, c. 64, s. 182.

**183.** In his report, the licensee may include work performed in accordance with section 173 outside the territory subject to his licence.

1987, c. 64, s. 183.

**184.** The licensee, with the authorization of the Minister, may abandon his right in all or part of the territory subject to his licence, provided

- (1) he applies therefor in writing;
- (2) the residual area, in the case of partial abandonment, is comprised within a single perimeter;
- (3) he has complied with the conditions for the discontinuation of operations in respect of a well set out in section 164, where such is the case, unless the Minister decides otherwise;
- (4) he has complied with the other provisions of this Act and the regulations.

Partial abandonment does not reduce the work the licensee is required to perform during the year of the abandonment.

1987, c. 64, s. 184; 1988, c. 9, s. 36.

## **DIVISION XII**

### **LEASE TO USE NATURAL GAS**

**185.** No person may use natural gas discovered by him on his land unless he has obtained from the Minister a lease to use natural gas.

1987, c. 64, s. 185.

**186.** The Minister shall grant a lease to use natural gas, in respect of a given well, to any person who meets the requirements and pays the annual rental prescribed by regulation.

Notwithstanding the first paragraph, no lease to use natural gas shall be granted, unless the third person agrees to it, where the parcel of land in which the natural gas is discovered is already subject to a licence or a lease relating to petroleum and natural gas or an underground reservoir held by a third person.

1987, c. 64, s. 186; 1998, c. 24, s. 90.

**187.** In no case may the lease be transferred except to a subsequent purchaser of the parcel of land.

1987, c. 64, s. 187.

**188.** The term of the lease is 20 years.

The Minister shall renew the lease for a term of 10 years, not more than three times, provided the lessee

- (1) applies therefor before the date of expiry of the lease;
- (2) has paid the annual rental prescribed by regulation;

- (3) has complied with this Act and the regulations throughout the previous term of his lease;
- (4) has met any other renewal requirement prescribed by regulation.

Notwithstanding the foregoing, after the third renewal of the lease, the Minister may grant an extension thereof on the conditions, for the rental and for the term he determines, where the lessee shows to his satisfaction that the deposit is not yet depleted.

1987, c. 64, s. 188.

**189.** The lessee may use the natural gas only to meet the energy requirements of his residence.

1987, c. 64, s. 189.

**190.** The Minister may cancel a lease to use natural gas where he grants a lease to produce petroleum and natural gas or a lease to operate an underground reservoir in respect of the parcel of land containing the well.

The lessee under the latter lease shall pay to the person whose lease to use natural gas has been cancelled compensation based on the investments made to produce natural gas and a lump sum computed as prescribed by regulation.

1987, c. 64, s. 190; 1998, c. 24, s. 91.

**191.** The lessee shall pay the annual rental before the beginning of each year of the term of his lease and comply with the conditions of the lease. The annual rental and the conditions of the lease are prescribed by regulation.

1987, c. 64, s. 191.

**192.** The lessee, with the authorization of the Minister, may abandon his right, provided

- (1) he applies therefor in writing;
- (2) he has complied with the conditions for the discontinuation of operations in respect of a well set out in section 164, where such is the case;
- (3) he has complied with the other provisions of this Act and the regulations.

1987, c. 64, s. 192; 1988, c. 9, s. 37.

### **DIVISION XIII**

#### **LEASE TO PRODUCE PETROLEUM AND NATURAL GAS, LEASE TO OPERATE AN UNDERGROUND RESERVOIR AND AUTHORIZATION TO PRODUCE BRINE**

1998, c. 24, s. 92.

**193.** No person may produce petroleum or natural gas or operate an underground reservoir unless he has obtained from the Minister a lease to produce petroleum and natural gas or a lease to operate an underground reservoir, as the case may be.

No person may produce brine without the prior authorization of the Minister.

1987, c. 64, s. 193; 1998, c. 24, s. 93.

**194.** The Minister shall grant a lease to any person who holds a licence to explore for petroleum, natural gas and underground reservoirs and who establishes the presence of an economically workable deposit or an

economically operable underground reservoir, as the case may be, meets the requirements and pays the fee prescribed by regulation.

However, only one lease may be granted in respect of a given parcel of land.

1987, c. 64, s. 194; 1998, c. 24, s. 94; 2013, c. 16, s. 15.

**194.0.1.** The Minister may award a lease in respect of a territory that is not subject to an exploration licence, if the Minister considers that the territory presents an economically workable deposit or an economically operable underground reservoir, as the case may be.

The lease may not be awarded to a person who held a right relating to petroleum, natural gas or an underground reservoir that was subject to a revocation during the two years prior to the beginning of the awarding process.

The lessee must meet the conditions and pay the fee prescribed by regulation.

2013, c. 16, s. 15.

**194.1.** The Minister may authorize a person to produce brine for the period and subject to the conditions determined by the Minister and on payment of the annual duties fixed by regulation.

On land granted, alienated or leased by the State for purposes other than mining and on land subject to a mining right, such authorization shall be subject to the consent of the owner, lessee or holder of the mining right, as the case may be.

1998, c. 24, s. 95; 1999, c. 40, s. 178.

**194.2.** The Minister may cancel an authorization to produce brine where a lease relating to the production of mineral substances or the operation of an underground reservoir on the land for which the authorization was granted is entered into by the Minister.

The holder of the lease shall, where applicable, pay compensation to the person whose authorization is cancelled, calculated on the basis of the investments made for brine production, as well as a lump sum payment equal to the difference between the average annual well head value for the period prior to cancellation and the average annual payment paid pursuant to section 204 during that period, multiplied by the number of years of operation lost by reason of the cancellation. Failing agreement concerning the amount of compensation, it shall be fixed by the court having jurisdiction. An application for the fixing of compensation is heard and decided by preference.

1998, c. 24, s. 95; I.N. 2016-01-01 (NCCP).

**195.** The parcel of land subject to a lease to produce petroleum and natural gas must be comprised within a single perimeter and its area must not be less than 2 km<sup>2</sup> nor more than 20 km<sup>2</sup>.

Notwithstanding the first paragraph, the Minister may grant a lease in respect of a parcel of land of an area of less than 2 km<sup>2</sup> if it includes the estimated area of the deposit.

1987, c. 64, s. 195; 1998, c. 24, s. 96; 2013, c. 16, s. 21.

**196.** The parcel of land containing an underground reservoir in respect of which a lease to operate an underground reservoir is granted must be comprised within a single perimeter determined by the vertical projection, on the surface, of the perimeter of the underground reservoir and the perimeter of the protected area prescribed by regulation. The area of the parcel of land must not be less than 2 km<sup>2</sup> nor more than 20 km<sup>2</sup>.

Notwithstanding the first paragraph, the Minister may grant a lease in respect of a parcel of land having an area of less than 2 km<sup>2</sup> if the estimated area of the underground reservoir and protected area are comprised therein.

1987, c. 64, s. 196; 2013, c. 16, s. 21.

**197.** The size of an underground reservoir is determined on the basis of the assumption that a reservoir is limited at the top and at the base by stratigraphic formations.

1987, c. 64, s. 197.

**198.** The area of the territory that is the subject of an exploration licence for petroleum, natural gas and underground reservoirs is reduced by the area of any land held under a lease.

The work to be performed during the year in the territory is reduced proportionately to the area of the land held under the lease.

1987, c. 64, s. 198; 1998, c. 24, s. 97.

**199.** The term of a lease is 20 years.

The Minister shall renew the lease for a term of 10 years, not more than three times, provided the lessee

- (1) applies therefor before the expiry of the lease;
- (2) has paid the annual rental prescribed by regulation;
- (3) has complied with this Act and the regulations throughout the previous term of his lease;
- (4) has met any other renewal requirement prescribed by regulation.

Notwithstanding the foregoing, after the third renewal of the lease, the Minister may grant an extension thereof on the conditions, for the rental and for the term he determines where the deposit or underground reservoir, as the case may be, is still economically workable or operable.

1987, c. 64, s. 199.

**200.** Every lessee has access to the parcel of land or underground reservoir subject to his lease and he may perform any work to produce petroleum and natural gas or to operate the reservoir.

However, on land granted, alienated or leased by the State for purposes other than mining purposes, the rights referred to in the first paragraph may be exercised only as provided in section 235.

1987, c. 64, s. 200; 1999, c. 40, s. 178.

**201.** (*Repealed*).

1987, c. 64, s. 201; 1998, c. 24, s. 98; 2013, c. 16, s. 16.

**202.** The holder of a lease to produce petroleum or natural gas shall pay, before the beginning of each year of the term of the lease, the annual rental prescribed by regulation.

Every lessee under a lease to operate an underground reservoir shall pay, before the beginning of each year of the term of the lease, the annual rental determined by the Minister according to the criteria prescribed by regulation.

Every lessee shall comply with the conditions of the lease prescribed by regulation.

Every lessee shall commence working the deposit or operating the reservoir, as the case may be, within the time indicated in his lease by the Minister.

1987, c. 64, s. 202; 1998, c. 24, s. 99.

**203.** In no case may a lessee begin a pilot or experimental production project or enhanced recovery operations unless he has obtained the authorization of the Minister.

In no case may a lessee under a lease to produce petroleum or natural gas suspend production for more than 30 days except for reasons considered valid by the Minister.

1987, c. 64, s. 203; 1998, c. 24, s. 100.

**204.** Every lessee under a lease to produce petroleum and natural gas or under an authorization to produce brine shall transmit to the Minister, within the first 25 days of each month, a report in the prescribed form showing the quantity and well head value of the petroleum, natural gas or brine extracted during the previous calendar month and the other information prescribed by regulation.

He shall, at the same time, pay to the Minister the royalty prescribed by regulation, which shall not be less than 5% nor more than 17% of the well head value of the petroleum, natural gas or brine extracted.

No royalty is payable on petroleum, natural gas or brine used on the premises by the lessee for drilling or production purposes or on flared natural gas.

1987, c. 64, s. 204; 1998, c. 24, s. 101.

**205.** Every lessee under a lease to operate an underground reservoir shall transmit to the Minister, within the first 25 days of each month, a report showing the nature and quantity of substances or products or residues injected or withdrawn during the previous calendar month.

1987, c. 64, s. 205.

**206.** The lessee may abandon his right in an underground reservoir or in or on all or part of the land in respect of which a lease to produce petroleum and natural gas has been granted, provided

(1) he applies therefor in writing and following the application, the Minister has notified the creditors who have registered an instrument referred to in paragraph 3 of section 13 in the public register of real and immovable mining rights;

(2) the residual area, in the case of partial abandonment, is comprised within a single perimeter and, unless otherwise authorized by the Minister, is at least 2 km<sup>2</sup>;

(3) he has complied with the conditions for the discontinuation of operations in respect of a well set out in section 164, where such is the case, unless the Minister decides otherwise;

(4) he has obtained the authorization of the Minister who shall grant his authorization after consultation with the Minister of Sustainable Development, Environment and Parks and not before 30 days from the date of transmission of the notice provided for in paragraph 1;

(5) he has complied with the other provisions of this Act and the regulations.

1987, c. 64, s. 206; 1988, c. 9, s. 38; 1994, c. 17, s. 75; 1999, c. 36, s. 158; 2006, c. 3, s. 35; 1998, c. 24, s. 102; 2013, c. 16, s. 21.



**DIVISION XIV****PROVISIONS APPLICABLE TO THE HOLDER OF A MINING RIGHT**

**207.** A staking or map designation notice, an application for a lease or for an authorization under section 32 or 33, a report, an application for exemption from the work required under this Act or an application for the renewal or conversion of mining rights is deemed to have been sent, filed or received on the date it is received at the office of the registrar.

Where a parcel of land already subject to a claim obtained by staking registered in favour of a third person is staked on the same day as that on which an application for the conversion of mining rights is filed by the third person under subdivision 5 of Division III of this chapter, the parcel of land is deemed, for the purposes of section 29, to have been staked after the filing of the application for conversion.

Applications for a licence, a lease or an authorization under section 32 or 33 are admitted according to the order in which they are received at the office of the registrar. Staking notices are admitted according to the date and time of the staking. Notices of map designation are admitted according to the order in which they are received at the office of the registrar.

Applications for a licence, lease or authorization under section 32 or 33, where they relate to the same parcel of land and are received on the same day, shall be admitted in the order established by a drawing of lots. Map designation notices for which the order of receipt cannot be determined in accordance with the preceding paragraph shall also be admitted in the order established by a drawing of lots. Every person who intends to take part in the drawing of lots must, beforehand, pay the duties fixed by regulation and comply with the conditions for participation prescribed by regulation.

1987, c. 64, s. 207; 1988, c. 9, s. 39; 1990, c. 36, s. 10; 1998, c. 24, s. 103; 2003, c. 15, s. 24; 2013, c. 16, s. 17; 2013, c. 32, s. 73.

**207.1.** *(Repealed).*

1998, c. 24, s. 103; 2013, c. 32, s. 74.

**208.** Every parcel of land subject to a mining right is limited on the surface by its perimeter, and in depth by the vertical projection of its perimeter.

1987, c. 64, s. 208.

**209.** The holder of a mining right shall assume, with respect to the parcel of land that is subject to his right, any costs incurred for surveying, the determination or demarcation of boundaries and topographical surveys by means of aerial photography or otherwise.

The documents, reports and minutes relating to such operations shall be transmitted to the Minister with diligence after they are conducted.

1987, c. 64, s. 209.

**210.** Any survey required by the Minister or prescribed by this Act or the regulations to establish the boundaries and official description of a parcel of land subject to a mining right shall be carried out by a land surveyor.

The surveyor shall comply with the surveying standards prescribed by regulation and act according to the instructions of the Minister.

1987, c. 64, s. 210; 1988, c. 9, s. 40.

**211.** Where a person is in illegal possession of any parcel of land that is subject to a mining right on land of the domain of the State refuses to relinquish possession, the Minister, or the holder of a right to engage in

mining or production, may apply to a judge of the Superior Court for an order in the form of an eviction order.

In such a case, sections 60 to 62 of the Act respecting lands in the domain of the State (chapter T-8.1) apply, adapted as required.

1987, c. 64, s. 211; 1999, c. 40, s. 178; I.N. 2016-01-01 (NCCP).

**212.** A holder of a mining right may not claim compensation from another holder of a mining right for the deposit of mine tailings on the parcel of land subject to the former's right, except in the case of a mining lease or a mining concession.

1987, c. 64, s. 212; 2013, c. 32, s. 75.

**213.** The holder of a mining right may, in order to construct buildings or perform any other operation required for his mining activities, cut timber forming part of the domain of the State on the parcel of land that is subject to his right, in accordance with the rules set forth in the Sustainable Forest Development Act (chapter A-18.1) and the regulations.

However, the rules referred to above do not apply to a person who effects line cutting not exceeding one metre in width.

Similarly, except in the case of a strip of woodland established for the protection of lakes, watercourses, riparian areas and wetlands by government regulation under section 38 of the Sustainable Forest Development Act, the rules apply neither to a person cutting trenches or performing other excavations nor to a person carrying out drilling work, provided he has obtained prior authorization from the Minister responsible for the administration of that Act and complies with the following conditions:

(1) the total area of the trenches or other excavations, added, as the case may be, to the total area of excavations already carried out by another holder of a mining right, shall not exceed 2% of the wooded area of the parcel of land in question;

(2) the area affected by the cutting of timber, which is required for drilling work, added, as the case may be, to the area affected by cutting already carried out by another holder of a mining right on the same conditions, shall not exceed 2% of the wooded area of the parcel of land in question.

The said Minister may make his authorization subject to such other conditions and obligations as he may establish jointly with the Minister responsible for the administration of this Act.

Moreover, the rules referred to in the first paragraph do not apply to a person who, in order to stake a parcel of land in accordance with section 44, must cut timber forming part of the domain of the State.

Notwithstanding the foregoing, in any area classified as an exceptional forest ecosystem under the Sustainable Forest Development Act, the holder of the mining right must follow the rules set forth in that Act.

1987, c. 64, s. 213; 1988, c. 9, s. 41; 1999, c. 40, s. 178; 2001, c. 6, s. 145; 2010, c. 3, s. 301.

**213.1.** The holder of mining rights who obtains an authorization under section 213 shall scale the harvested timber in accordance with section 70 of the Sustainable Forest Development Act (chapter A-18.1) and pay the same duties as those applicable to the holder of a forestry permit issued under subparagraph 4 of the first paragraph of section 73 of that Act.

1988, c. 73, s. 74; 2001, c. 6, s. 146; 2010, c. 3, s. 302.

**213.2.** (*Repealed*).

1991, c. 23, s. 3; 2001, c. 6, s. 147; 2013, c. 32, s. 77.

**213.3.** *(Repealed).*

1998, c. 24, s. 104; 2013, c. 32, s. 77.

**214.** In the event of the death of the holder of a mining right and on the application of his successors received before the expiry date of the mining right, the Minister may extend the term of the right for one year and suspend for that year the obligations entailed by the right.

1987, c. 64, s. 214.

**215.** The documents and information obtained by the Minister from holders of mining rights for the purposes of this Act are public. The Minister makes such documents and information public in the manner the Minister sees fit.

However, the work reports required under section 72 involving amounts beyond the allowances that may be claimed under the Mining Tax Act (chapter I-0.4) remain confidential for five years after the date of the work.

The following are made public once a year for each mine and for each lease to mine surface mineral substances:

- (1) the quantity and value of the ore extracted during the previous year;
- (2) the royalties paid during the previous year; and
- (3) the overall contributions paid by the holder.

The following are also made public:

- (1) the rehabilitation and restoration plan approved by the Minister; and
- (2) the total amount of the financial guarantee required.

This section applies subject to the restrictions on rights of access prescribed by section 28 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

1987, c. 64, s. 215; 1988, c. 9, s. 42; 1990, c. 36, s. 11; 2013, c. 32, s. 78; 2015, c. 8, s. 70; 2015, c. 23, s. 50.

**216.** Within 30 days after the abandonment, revocation or expiry of his right, the holder of a claim shall remove all his property from the parcel of land that was subject to his right.

Subject to the first paragraph of section 123, the holder of a mining lease or mining concession shall, within one year after the abandonment, revocation or expiry of his right, remove all his property and any extracted ore from the parcel of land that was subject to his right. On written application, the Minister may grant him an extension subject to the conditions he determines.

Before the date of abandonment, revocation or expiry of the lease, the holder of a lease to mine surface mineral substances shall remove all the property and any extracted surface mineral substances from the parcel of land subject to the lease.

Once the time is expired, the property and mineral substances remaining on land of the domain of the State shall, of right, form part of the domain of the State and may be removed by the Minister at the expense of the holder of the mining right.

1987, c. 64, s. 216; 1999, c. 40, s. 178; 2013, c. 32, s. 79.

**216.1.** All the documents required for the purposes of this Act and the regulations must be submitted in the formats determined by the Minister. The documents must be sent in the manner prescribed and to the place specified by the Minister, as applicable.

Those rules apply, in particular, to the data necessary for showing, in the public register of real and immovable mining rights, the territories identified as mining-incompatible under section 304.1.1.

2013, c. 32, s. 80.

## **CHAPTER IV**

### **GENERAL PROVISIONS GOVERNING PERSONS CARRYING ON MINING ACTIVITIES**

#### **DIVISION I**

##### **APPLICATION AND INTERPRETATION**

**217.** This chapter applies to the mineral substances and underground reservoirs referred to in section 18 and to mineral substances that are not part of the domain of the State.

1987, c. 64, s. 217; 1999, c. 40, s. 178.

**218.** In this chapter,

“**operator**” means any person who, as owner, lessee or occupant of a mine or underground reservoir, performs or directs mining operations, or causes them to be performed or directed;

“**mine**” means any opening or excavation made for the purpose of searching for or mining mineral substances or operating an underground reservoir, including a well used to maintain water pressure, to dispose of or inject water or to create a water supply source, passageways, works, machinery, plants, buildings and furnaces below or above ground and forming part of a mining operation.

1987, c. 64, s. 218; 1988, c. 9, s. 43.

#### **DIVISION II**

##### **NOTICES, REPORTS, PLANS, REGISTERS, OTHER DOCUMENTS AND ROYALTIES**

1990, c. 36, s. 12.

**219.** The holder of a mining right or, as the case may be, the operator is required to notify the Minister in writing within 15 days of any change of operator or of firm name or address.

1987, c. 64, s. 219.

**220.** The operator shall transmit to the Minister, at his request, any plan or document required for further information on deposits and working of deposits, and any report on exploration work performed during the year and the results of the work.

1987, c. 64, s. 220.

**221.** Every operator, every person engaged in exploration for or extraction or processing of mineral substances and every contractor engaged in mining operations shall forward to the Minister, before 31 October each year, a preliminary report for the current year and a forecast for the following year showing

- (1) the expenses made or anticipated for exploration;
- (2) the sums allocated or to be allocated for capital expenditures and repairs;

- (3) the nature and cost of the rehabilitation and restoration work performed or to be performed.

The operator or the person who processes mineral substances and the contractor shall also indicate in his report the quantity and value of the production.

Despite the first paragraph of section 215, the information in the report is not made public and may only be used for statistical purposes.

1987, c. 64, s. 221; 1990, c. 36, s. 13; 2003, c. 15, s. 25; 2015, c. 8, s. 71.

**222.** Every operator and every person engaged in exploration for or extraction or processing of mineral substances and every contractor engaged in mining operations shall transmit to the Minister, not later than 31 March each year, a report of activities for the preceding year showing

- (1) the nature of the work and the sums spent on exploration;
- (2) the sums allocated for capital expenditures and repairs;
- (3) the current state of ore reserves;
- (4) the quantity and value of their production;
- (5) the number of employees;
- (6) the expenses entailed by mining activities;
- (7) any other information the Minister may request.

At the request of the Minister, they shall transmit a monthly or quarterly report of activities within 30 days after the end of the period referred to in the report.

Every enterprise which provides mining services shall forward the report described in the first paragraph to the Minister, at his request.

In the event of the bankruptcy or winding-up of an enterprise, the trustee or liquidator shall transmit the report to the Minister at his request.

Despite the first paragraph of section 215, the information in the report is not made public and may only be used for statistical purposes.

1987, c. 64, s. 222; 2003, c. 15, s. 26; 2005, c. 45, s. 4; 2015, c. 8, s. 72.

**223.** The operator shall forward to the Minister, within the same time as for the report required under section 222, the plans prescribed by regulation. The plans must be signed by an engineer.

1987, c. 64, s. 223.

**223.1.** Sections 154 and 155, adapted as required, apply to every operator or person engaged in the extraction or mining, for commercial purposes, of surface mineral substances forming part of the domain of the State.

1990, c. 36, s. 14; 1999, c. 40, s. 178.

**224.** The holder of mining rights who performs underground exploration work and the operator shall, before commencing mining operations or resuming them after a suspension of six months or more, transmit to the Minister a written notice in compliance with the standards prescribed by regulation.

1987, c. 64, s. 224.

**225.** The holder of mining rights and the operator shall keep up to date plans and registers relating to the work as prescribed by regulation.

The holder of mining rights who performs any other exploration work shall keep an up to date record of excavations and drilling in accordance with the regulations.

1987, c. 64, s. 225; 2013, c. 32, s. 81.

**226.** Where mining operations are suspended for six months or more, the holder of a mining right who performs underground exploration work and the operator shall, at least 10 days before the beginning of the suspension, transmit to the Minister and the Minister of Sustainable Development, Environment and Parks a written notice informing them of the suspension of operations and, within four months from the beginning of the suspension, a copy, certified by an engineer or a geologist, of the plans of the underground works, surface mines, ground facilities, and tailing dumps existing on the date of cessation of the work.

They shall also transmit the plans, records and reports prescribed by regulation.

In the event of a strike or lock-out, the notice required under the first paragraph must be sent within four months after the beginning of the strike or lock-out.

1987, c. 64, s. 226; 1998, c. 24, s. 105; 2001, c. 12, s. 16; 2013, c. 32, s. 82.

**227.** Every person who discovers an uninterrupted flow of natural gas on his land is required to notify the Minister in writing without delay.

1987, c. 64, s. 227.

**228.** *(Repealed).*

1987, c. 64, s. 228; 1999, c. 40, s. 178; 2013, c. 32, s. 83.

**229.** *(Repealed).*

1987, c. 64, s. 229; 2013, c. 32, s. 83.

## **DIVISION III**

### **PROTECTIVE MEASURES AND REHABILITATION AND RESTORATION MEASURES**

1991, c. 23, s. 4.

**230.** The Minister may, where an emanation of natural gas threatens to cause personal injury or property damage, order the person responsible for the emanation to do what is necessary to remedy the situation or, if there is no other solution, to seal off the source of the emanation.

If the person responsible fails to comply with the orders of the Minister within the prescribed time, the Minister may cause the work to be done or the source of the emanation to be sealed off at the expense of the person responsible.

1987, c. 64, s. 230.

**231.** In addition to the protective measures necessary to prevent any damage and the safety measures prescribed by regulation, the Minister may, if mining activities are temporarily or permanently discontinued, order the holder of a mining right or the operator to take any measure imposed by the Minister.

The Minister may cause the work to be done at the expense of a holder of a mining right or operator who fails to comply with the Minister's orders or the regulatory prescriptions.

The first paragraph does not apply in the case of a strike, lock-out, cessation of underground exploration or operation of a mine for a period of less than six months.

1987, c. 64, s. 231; 2013, c. 32, s. 84.

**232.** *(Repealed).*

1987, c. 64, s. 232; 1991, c. 23, s. 5; 2001, c. 6, s. 148; 2013, c. 32, s. 85.

**232.1.** The following persons must submit a rehabilitation and restoration plan to the Minister for approval and carry out the work provided for in the plan:

(1) every holder of mining rights who engages in exploration work determined by regulation or agrees that such work be carried out on the land subject to his mining rights;

(2) every operator who engages in mining operations determined by regulation in respect of mineral substances listed in the regulations;

(3) every person who operates a concentration plant in respect of such substances;

(4) every person who engages in mining operations determined by regulation in respect of tailings.

The obligation shall subsist until the work is completed or until a certificate is issued by the Minister under section 232.10.

1991, c. 23, s. 6; 2013, c. 32, s. 86.

**232.2.** The rehabilitation and restoration plan submitted by a person identified in section 232.1, other than an applicant for a mining lease, must be approved by the Minister before mining activities begin.

1991, c. 23, s. 6; 2013, c. 32, s. 87.

**232.3.** The rehabilitation and restoration plan shall contain, in particular,

(1) the description of the rehabilitation and restoration work relating to the mining activities carried on by the person submitting the plan and intended to restore the affected land to a satisfactory condition; if tailings are present on the site, the required work shall include containment work and, if required, the work necessary for putting in place, operating and maintaining the infrastructure needed to prevent any environmental damage that might be caused by the presence of tailings;

(2) if progressive rehabilitation and restoration work is possible, the conditions and phases of completion of the work;

(3) the conditions and phases of completion of the work in the event of final cessation of mining activities;

(4) a detailed estimate of the expected costs to be incurred for completing the work;

(5) in the case of an open-pit mine, a backfill feasibility study.

1991, c. 23, s. 6; 2013, c. 32, s. 88.

**232.4.** A person identified in section 232.1 must furnish a guarantee covering the anticipated cost of completing the work required under the rehabilitation and restoration plan to the extent provided for in this Act and in accordance with the standards established by regulation.

Such work must include

- (1) the rehabilitation and restoration of accumulation areas;
- (2) geotechnical soil stabilization;
- (3) the securing of openings and surface pillars;
- (4) water treatment; and
- (5) road-related work.

Where property or a sum of money serves as guarantee, the property or money is exempt from seizure.

1991, c. 23, s. 6; 2013, c. 32, s. 89.

**232.5.** The Minister may subject the approval of a rehabilitation and restoration plan to other conditions and obligations that he shall determine and include in the plan, in particular, advance payment of all or part of the guarantee; the Minister shall approve the plan after obtaining a favourable opinion from the Minister of Sustainable Development, Environment and Parks.

Every person to whom section 232.1 applies must at the request of and within the time limit fixed by the Minister provide him with any additional information, research findings or study he considers he needs to grant his approval.

1991, c. 23, s. 6; 1994, c. 17, s. 75; 1999, c. 36, s. 158; 2006, c. 3, s. 35; 2013, c. 32, s. 90.

**232.6.** Every person whose plan has been approved shall submit a revised plan to the Minister for approval

- (1) every 5 years, unless a shorter period is fixed by the Minister on approving the plan or revised plan;
- (2) whenever amendments to the plan are justified by changes in the mining activities;
- (3) whenever he intends to amend the plan;
- (4) whenever the Minister has seen fit to request a revision.

Section 232.5, adapted as required, applies to a revised plan.

1991, c. 23, s. 6.

**232.7.** The Minister may increase the amount of the guarantee where he considers that it is no longer sufficient or reduce it to make it consistent with the foreseeable costs of carrying out the rehabilitation and restoration plan.

Every person referred to in section 232.1 whose amount of guarantee has been increased must furnish any additional guarantee required pursuant to the revision, within the time fixed by the Minister.

The Minister may also require the payment of the total guarantee if, in the Minister's opinion, the financial situation of the person described in section 232.1 or a reduction in the anticipated duration of the person's activities may prevent the payment of all or part of the guarantee.

1991, c. 23, s. 6; 2003, c. 15, s. 27.

**232.7.1.** Rehabilitation and restoration work must begin within three years after operations cease. However, the Minister may exceptionally require that the work begin within a shorter period, or authorize one



or more extensions. The first extension may not exceed three years and additional extensions may not exceed one year.

2013, c. 32, s. 91.

**232.8.** If a person fails to perform any of his obligations under sections 232.1 to 232.7, the Minister may enjoin him to do so within the time he fixes.

If the person concerned fails to comply with the prescriptions of the Minister within the time fixed, the Minister may, in addition to any other civil, administrative or penal sanction, cause the work required by the rehabilitation and restoration plan or, failing such a plan, the work he considers necessary in the circumstances, to be performed at that person's expense. He may, in particular, recover the cost of the work out of the guarantee furnished.

1991, c. 23, s. 6.

**232.9.** Any sum owing to the State under section 230, 231, 232 or 232.8 gives rise to a legal hypothec of the State on all the property of the debtor.

1991, c. 23, s. 6; 1992, c. 57, s. 612; 1999, c. 40, s. 178.

**232.10.** The Minister may release any person from his obligations under sections 232.1 to 232.7 and issue to him a certificate to that effect,

(1) if the Minister is satisfied that the rehabilitation and restoration work has been completed in accordance with the rehabilitation and restoration plan approved by the Minister, and if no sum of money is due to the Minister with respect to the performance of the work; and

(2) if the Minister is satisfied that the condition of the land affected by the mining activities no longer poses a risk for the environment or for human health and safety and, in particular, poses no risk of acid mine drainage.

The Minister may also release a person from the obligations set out in sections 232.1 to 232.7 and issue a certificate to that effect if the Minister agrees to let a third person assume the obligations.

The Minister shall issue the certificate after obtaining a favourable opinion from the Minister of Sustainable Development, Environment and Parks.

1991, c. 23, s. 6; 2013, c. 32, s. 92.

**232.11.** The Minister may, if applicable, with the consent of the person referred to in the second paragraph of section 7, enjoin a person who, before 9 March 1995, carried out work or operations referred to in subparagraph 1, 2 or 3 of the first paragraph of section 232.1 and who is not covered by that section, to submit, within the time indicated by the Minister, a rehabilitation and restoration plan for the land affected by tailings, in accordance with the requirements of section 232.3, to the extent that the tailings result from the person's activities, and to perform the rehabilitation and restoration work required by the presence of the tailings. The Minister shall prescribe the nature of the work and the time within which it must be carried out, after consultation with the Minister of Sustainable Development, Environment and Parks.

If the person concerned fails to comply with the prescriptions of the Minister within the time fixed, the Minister may cause the plan to be prepared or the work to be performed at that person's expense.

The second paragraph of section 232.5 and sections 232.9 and 232.10, adapted as required, apply for the purposes of this section.

1991, c. 23, s. 6; 1994, c. 17, s. 75; 1999, c. 36, s. 158; 2003, c. 15, s. 28; 2006, c. 3, s. 35.

**232.12.** Nothing in sections 232.1 to 232.11 shall affect or restrict the application of the Environment Quality Act (chapter Q-2).

1991, c. 23, s. 6.

**233.** No person may move, disturb or damage a facility erected under this division, unless he has the authorization in writing of the owner of the mine and of the Minister.

1987, c. 64, s. 233; 2013, c. 32, s. 93.

**233.1.** A person specially or generally authorized by the Minister to carry out work related to protective measures or rehabilitation and restoration work may enter, at any reasonable time, any place where an activity governed by this Act or the regulations is carried on.

2013, c. 32, s. 94.

## **DIVISION IV**

### **OPTIMUM RECOVERY OF A MINERAL SUBSTANCE**

**234.** In order to ensure that every operator recovers, according to recognized mining practices, the economically workable mineral substance that is the subject of his mining operations, the Minister may

- (1) require him to transmit a report justifying the mining method used;
- (2) carry out a study to evaluate the method used;
- (3) require him to take, within the time the Minister determines, any measures necessary to remedy any situation that would compromise the optimum recovery of the mineral substance.

In the case of the study referred to in subparagraph 2, the Minister may, subject to the conditions he determines, give a mandate to a committee composed of three persons including two mining specialists who are not part of the public service, to conduct the study.

The committee shall remit a report recommending, as the case may be, measures to remedy any situation that compromises the optimum recovery of the mineral substance.

If the operator fails to comply with his requirements, the Minister may order the suspension of operations for the period he determines.

1987, c. 64, s. 234; 1988, c. 9, s. 44.

## **DIVISION V**

### **EXPROPRIATION AND COMPENSATION**

**235.** On lands granted, alienated or leased by the State for purposes other than mining purposes or on lands subject to an exclusive lease to mine surface mineral substances, the holder of a mining right or the owner of mineral substances must obtain a written authorization at least 30 days in advance in order to access the site or may acquire, by agreement, any real right or property allowing the holder to access the site or conduct exploration work or mining operations.

If no agreement is reached to that end, the holder of a mining right or the owner of mineral substances may, for the purpose of conducting mining operations, acquire the property mentioned in the first paragraph by expropriation.

Cemeteries within the meaning of the Act respecting Roman Catholic cemetery companies (chapter C-40.1), cemeteries established under the Non-Catholic Cemeteries Act (chapter C-17) and Native cemeteries are exempt from expropriation.

The holder of a mining right who intends to acquire a residential immovable, or an immovable used for agricultural purposes and situated on farm land within the meaning of the Act respecting the acquisition of farm land by non-residents (chapter A-4.1), must pay the costs of the professional services required to negotiate the agreement, up to a maximum amount representing 10% of the value of the immovable as entered on the property assessment roll.

In no case may a residential immovable be moved or demolished before a mining lease is issued.

1987, c. 64, s. 235; 1999, c. 40, s. 178; 1998, c. 24, s. 106; 2013, c. 32, s. 95.

**236.** *(Repealed).*

1987, c. 64, s. 236; 1999, c. 40, s. 178; 1998, c. 24, s. 107; 2013, c. 32, s. 96.

**DIVISION VI**

*Repealed, 2013, c. 32, s. 96.*

2013, c. 32, s. 96.

**237.** *(Repealed).*

1987, c. 64, s. 237; 2013, c. 32, s. 96.

**238.** *(Repealed).*

1987, c. 64, s. 238; 2013, c. 32, s. 96.

**DIVISION VII**

**SITES FOR MINING INFRASTRUCTURES**

**239.** The holder of mining rights or the owner of mineral substances may, in accordance with the Act respecting the lands in the domain of the State (chapter T-8.1), obtain that public lands be transferred or leased to him to establish a storage site for tailings, or a site for mills, shops or facilities necessary for mining activities.

1987, c. 64, s. 239; 1988, c. 9, s. 45; 1999, c. 40, s. 178.

**240.** Any person who intends to operate a mill for the preparation of mineral substances, a concentration plant, a refinery or a smelter shall, before commencing operations, have the site approved by the Minister or, where the project is subject to the environmental impact assessment and review procedure provided for in Division IV.1 of Chapter I of the Environment Quality Act (chapter Q-2), by the Government.

1987, c. 64, s. 240; 1998, c. 24, s. 108.

**241.** Every person responsible for the management of a concentration plant, refinery or smelter shall, before commencing activities, have the site intended as a storage yard for tailings approved by the Minister. The same applies to every holder of a mining right, owner of mineral substances or operator who intends to establish a mine tailings site.

He shall, for that purpose, transmit the documents prescribed by regulation to the Minister.

1987, c. 64, s. 241; 1998, c. 24, s. 109.

**DIVISION VIII****MINING ROADS**

**242.** The Minister of Transport, with the authorization of the Government, may construct, improve or maintain any mining road to facilitate the carrying on of any mining activity. The Minister may cause the work to be done or have the owners of mineral substances or holders of mining rights at whose request the work is done pay part of the costs.

On lands of the domain of the State, the work shall be done without compensation, in particular, to holders of mining rights. On lands of the private domain, the work shall be done only after the property necessary to carry out the proposed works has been acquired by agreement or expropriation.

1987, c. 64, s. 242; 1988, c. 9, s. 46; 1999, c. 40, s. 178.

**243.** Roads, bridges or other structures are mining roads from the time they are laid out until they are closed.

1987, c. 64, s. 243; 1999, c. 40, s. 178.

**244.** The Minister of Transport shall forward the plan of proposed mining roads on lands of the domain of the State to the Minister of Natural Resources and Wildlife and, where such is the case, give notice thereof to any holder of forestry rights provided for in the Sustainable Forest Development Act (chapter A-18.1).

1987, c. 64, s. 244; 1990, c. 64, s. 32; 1994, c. 13, s. 15, s. 16; 1999, c. 40, s. 178; 2003, c. 8, s. 6; 2006, c. 3, s. 35; 2010, c. 3, s. 303.

**245.** The Minister of Transport may, without being required to pay compensation, in particular to the holder of mining rights, take from the right of way of mining roads and their vicinity the timber, earth, stone, gravel, sand and clay necessary for the construction, alteration or maintenance thereof and cut down all the trees within a distance of 10 metres on either side of the right of way.

On lands of the private domain, the Minister shall not take the materials referred to in the first paragraph except after acquiring, by agreement or expropriation, the land containing them or a temporary right of way on any land between the mining road and a watercourse or between the mining road and the place from which the materials are taken.

On lands of the domain of the State, the Minister of Transport shall not cut timber except with the authorization of the Minister of Natural Resources and Wildlife and subject to the conditions he determines.

1987, c. 64, s. 245; 1990, c. 64, s. 24; 1994, c. 13, s. 16; 1999, c. 40, s. 178; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

**246.** The Minister of Transport may, after obtaining a favourable opinion from the Minister of Natural Resources and subject to certain conditions, restrict or prohibit access to a mining road.

The Minister may also exempt a mining road from the provisions respecting highway traffic or safety in the Highway Safety Code (chapter C-24.2).

1987, c. 64, s. 246; 1986, c. 91, s. 655; 2013, c. 32, s. 97.

**247.** The Minister of Transport may, with the authorization of the Government, close or change the location of all or part of a mining road. He may also, with the authorization of the Government, declare that a mining road is no longer a mining road. A road that is closed, whose location has been changed or that has been declassified may be transferred by the Minister in the manner he deems appropriate.

1987, c. 64, s. 247; 1992, c. 54, s. 69.

**247.1.** *(Repealed).*

2004, c. 20, s. 192; 2010, c. 3, s. 304.

**248.** The Minister of Natural Resources and Wildlife shall, with respect to secondary mining roads designated as such by the Government, exercise the powers vested in the Minister of Transport by this division.

Notwithstanding the first paragraph, the plans and standards of construction, improvement and maintenance of the roads must be approved by the Minister of Transport.

1987, c. 64, s. 248; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

**249.** The Government may, by regulation, render the provisions respecting highway traffic and safety in the Highway Safety Code (chapter C-24.2) applicable to secondary mining roads.

1987, c. 64, s. 249; 1986, c. 91, s. 655.

**250.** No user of a secondary mining road may bring an action for damages on the ground of faulty construction, improvement or maintenance of the road.

1987, c. 64, s. 250.

## CHAPTER V

### INSPECTION

**251.** Every person generally or specially authorized by the Minister to act as an inspector may

(1) enter, at any reasonable time, any place where an activity governed by this Act or the regulations is carried on and inspect it;

(2) examine and make copies of the books, registers, plans, accounts, records and any other documents related to that activity;

(3) require any information or document relating to the activities governed by this Act and the regulations;

(4) take photographs of the premises and the property located there.

1987, c. 64, s. 251; 2005, c. 45, s. 5.

**252.** No person may hinder an inspector in the performance of his duties, mislead him through concealment or false declarations, refuse to furnish him any information or document he is entitled to require or examine under section 251, or conceal or destroy any document or property relevant to an inspection.

1987, c. 64, s. 252.

**253.** The inspector shall, on request, identify himself and produce the certificate of his capacity signed by the Minister.

1987, c. 64, s. 253.

**254.** The inspector may, to protect a mineral substance, order the suspension of any well drilling, well completion, well conversion or well abandonment operation performed in exploring for or producing or operating petroleum, natural gas, brine or underground reservoirs where there is ground to believe that this Act or the regulations have been contravened.

The inspector shall authorize resumption of the activity where he considers the situation has been remedied.

1987, c. 64, s. 254.

**255.** In no case may legal proceedings be taken against the inspector for official acts performed in good faith in the course of his duties.

1987, c. 64, s. 255.

## CHAPTER VI

### INQUIRY

**256.** The Minister or any person he designates as investigator may inquire into any fact within the scope of this Act or the regulations.

1987, c. 64, s. 256.

**257.** The Minister and the investigator, for the conduct of an inquiry, are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the right to order imprisonment.

1987, c. 64, s. 257.

**258.** The investigator shall, on request, identify himself and produce a certificate of his capacity signed by the Minister.

1987, c. 64, s. 258.

**259.** Where an investigation is conducted to verify a fact that will permit the Minister to make a decision affecting the rights of a person applying for the registration of a claim or a holder of a mining right, the investigator shall transmit to the interested person a copy of the report containing his findings at the same time as he forwards it to the Minister.

1987, c. 64, s. 259; 1988, c. 9, s. 47.

## CHAPTER VII

### REVOCATION OF RIGHTS BY THE GOVERNMENT

**260.** (*Repealed*).

1987, c. 64, s. 260; 1998, c. 24, s. 110.

**261.** The Government may revoke, without compensation, the mining rights in the mining concessions referred to in section 4 or in the lands granted pursuant to the same section where there have been no exploration work or mining operations for 10 years unless the grantee or the owner proves to it that the deposit subject to the rights constitutes a reserve necessary for the continuation of a mining undertaking operated by him in Québec.

1987, c. 64, s. 261; 2013, c. 32, s. 98.

**262.** The Government shall, by registered mail, send a notice of its intention to revoke the rights referred to in section 261 to the grantee or owner at his last known address.

The notice shall be published in two consecutive issues of the *Gazette officielle du Québec*, and twice at an interval of seven days in a daily or weekly newspaper published in Montréal and in every judicial district in which all or part of the land affected by the revocation is situated.

1987, c. 64, s. 262; 1998, c. 24, s. 111; I.N. 2016-01-01 (NCCP).

**263.** Revocation cannot be declared until 90 days from the last publication of the notice.

1987, c. 64, s. 263.

**264.** Notice of the revocation shall be published in the *Gazette officielle du Québec*; revocation takes effect on the date of the publication.

1987, c. 64, s. 264.

**265.** The revocation does not apply to rights in substances described in section 5.

1987, c. 64, s. 265.

**266.** The revocation of mining rights in a mining concession does not affect any other right of ownership transferred to a third person under a deed of alienation referred to in section 361.

1987, c. 64, s. 266; 1998, c. 24, s. 112.

**267.** Any person except the grantee or owner whose rights have been revoked may, within 30 days from the date on which the revocation of mining rights under section 261 takes effect, apply for the registration of a claim by map designation, an exploration licence for petroleum, natural gas and underground reservoirs or a lease to produce petroleum and natural gas in respect of all or part of the land that was subject to the revoked rights.

Thereafter, a person whose rights have been revoked may also apply for the registration of a right referred to in the first paragraph in relation to all or part of the parcel of land subject to the revoked rights.

1987, c. 64, s. 267; 1998, c. 24, s. 113.

**268.** (*Repealed*).

1987, c. 64, s. 268; 1998, c. 24, s. 114; 2011, c. 6, s. 290; 2013, c. 32, s. 99.

**269.** (*Repealed*).

1987, c. 64, s. 269; 2013, c. 32, s. 99.

**270.** (*Repealed*).

1987, c. 64, s. 270; 2013, c. 32, s. 99.

**271.** (*Repealed*).

1987, c. 64, s. 271; 2013, c. 32, s. 99.

**272.** (*Repealed*).

1987, c. 64, s. 272; 2013, c. 32, s. 99.

**273.** The Government may revoke on any part of the territory it determines the right to explore for, the right to establish and the right to operate, in an area containing mineral substances forming part of the private domain, an underground reservoir for the storage of petroleum, natural gas or other hydrocarbons.

Where rights have been revoked, the Government may, subject to the conditions it determines, grant the right to explore for, the right to establish and the right to operate an underground reservoir. Such rights are immovable real rights and the Government may render any provision of this Act applicable to them.

1987, c. 64, s. 273; 1988, c. 9, s. 48.

**274.** If after the right to establish an underground reservoir has been revoked, an underground reservoir is established and operated, the person whose rights were revoked is entitled, as compensation, to a royalty equal to 50% of the annual rental fixed in accordance with section 202 for a lease to operate an underground reservoir, from the holder of the lease to operate an underground reservoir.

The compensation is distributed, where such is the case, among the owners of the parcels of land affected by the lease to operate an underground reservoir in proportion to the area of their parcels of land.

The royalty is payable by the holder of the lease to operate an underground reservoir, at the request of the person whose rights have been revoked, on the same dates and subject to the same conditions as those applicable to the payment of the annual rental fixed in accordance with section 202 in respect of a lease to operate an underground reservoir.

Notwithstanding the foregoing, a person entitled to an indemnity under this section may, after making an agreement with the lessee, obtain the payment of a lump sum instead of an annual royalty.

1987, c. 64, s. 274.

**275.** Within six months of the issue of a lease to operate an underground reservoir, the Minister shall give notice that following the issue of that lease a royalty is payable to the person whose rights have been revoked, provided that the person makes a request therefor to the holder of the lease to operate an underground reservoir.

1987, c. 64, s. 275.

**276.** The notice shall be published in two consecutive issues of the *Gazette officielle du Québec* and twice, at seven days' interval, in a daily or weekly newspaper published in Montréal and in the judicial districts where all or part of the underground reservoirs are situated.

1987, c. 64, s. 276.

**277.** The right to the royalty is prescribed by two years from the date of publication of the notice.

1987, c. 64, s. 277.

## CHAPTER VIII

### SUSPENSION OR REVOCATION OF MINING RIGHTS BY THE MINISTER

**278.** The Minister may suspend or revoke any mining right where a holder

(1) does not comply with the conditions, obligations or restrictions applicable to the exercise of the mining right;

(2) has not paid the annual duties, the royalties or the rental on the due date.

1987, c. 64, s. 278.

**279.** The Minister may also suspend or revoke any mining right relating to petroleum, natural gas or an underground reservoir where its holder is drilling, completing or converting a well without a licence



prescribed for that purpose or where the holder having obtained a licence does not comply with the conditions thereof.

1987, c. 64, s. 279; 1998, c. 24, s. 115.

**280.** The Minister may, on his own initiative or at the request of an interested person, revoke a claim obtained by staking, provided the claim has not been converted into a map designated claim,

- (1) where the parcel of land concerned has not been staked as required by this Act;
- (2) where the staking rules have not been complied with, and the claim is revoked before the end of the first year following the date of registration of the claim;
- (3) where the provisions of either of the first two paragraphs of section 42 have not been complied with, unless the right has been registered for not less than one year in the register referred to in section 13 in the name of a subsequent purchaser in good faith.

1987, c. 64, s. 280; 1997, c. 43, s. 355; 1998, c. 24, s. 116.

**281.** The Minister may revoke

- (1) a claim within three months following its renewal where he refuses the work under section 74, except in a case contemplated in paragraph 4 of that section;
- (2) an exploration licence for petroleum, natural gas and underground reservoirs within seven months following the year in which the work was performed where he refuses the work under section 179 except in a case contemplated in paragraph 4 of that section;
  - (2.1) at any time, a mining right obtained or renewed by mistake;
- (3) at any time, a mining right obtained or renewed through fraud or misrepresentation unless the right has been registered for not less than one year in the register contemplated in section 13 in the name of a subsequent purchaser in good faith;
- (4) at any time, the prospecting licence of a holder who has obtained or renewed a mining right through fraud or misrepresentation;
- (5) a mining lease or mining concession if the lessee or grantee does not comply with the requirements established by the Government under section 101.0.2 or 119 or does not comply with the Mining Tax Act (chapter I-0.4);
- (6) a mining right if the holder of the right has, in the preceding five years, been found guilty of an offence referred to in any of sections 316 to 318.

1987, c. 64, s. 281; 1990, c. 36, s. 15; 1998, c. 24, s. 117; 2013, c. 32, s. 100.

**282.** The holder of a mining right who is carrying on underground exploration work, the holder of any operating lease and the grantee of a mining concession whose rights have been revoked shall forward to the Minister, at his request, a copy of the plans, records and report mentioned in section 226.

1987, c. 64, s. 282.

**283.** (*Repealed*).

1987, c. 64, s. 283; 1998, c. 24, s. 118.

**284.** The Minister shall, before suspending or revoking a mining right, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3), send a copy of the notice to the registrar, and allow the holder at least 15 days to present observations.

The mailing of the notice of revocation shall interrupt the time limits provided for in sections 280 and 281.

1987, c. 64, s. 284; 1997, c. 43, s. 357; 1998, c. 24, s. 119.

**285.** An application for revocation under section 280 presented by an interested person must

- (1) clearly and briefly state the facts supporting it and be signed by the interested person;
- (2) be accompanied with the fee prescribed by regulation, an affidavit attesting the truth of the facts alleged and a sketch clearly indicating the irregularities of the staking, where such is the case;
- (3) be transmitted, within reasonable time, by registered mail to the registrar and the holder of the mining right concerned;
- (4) be accompanied with proof of the sending of the application to the holder of the mining right concerned.

A copy of the application is sent by the registrar to the Minister.

The mailing of the application for revocation shall interrupt the time limits provided for in section 280.

1987, c. 64, s. 285; 1997, c. 43, s. 358; 1998, c. 24, s. 120; I.N. 2016-01-01 (NCCP).

**286.** The suspension or revocation of a mining right takes effect on the date the decision becomes enforceable.

1987, c. 64, s. 286; 2013, c. 32, s. 101.

**287.** The revocation of mining rights in a mining concession does not affect any other right of ownership transferred to a third person under a deed of alienation referred to in section 361.

1987, c. 64, s. 287; 1998, c. 24, s. 121.

**288.** Within 30 days after the date the revocation of a mining lease, mining concession or lease to mine surface mineral substances becomes enforceable, a person other than the holder of the revoked mining right may obtain, in accordance with this Act, a claim by map designation notice or a lease to mine surface mineral substances on all or part of the parcel of land that was subject to the revoked mining right.

Thereafter, a person whose mining right has been revoked may also obtain, in accordance with this Act, a right referred to in the first paragraph in relation to all or part of the parcel of land subject to the revoked mining right.

If the interested person discontinues his appeal from the decision revoking his right, the prescribed time runs from the date of filing of a notice of discontinuance in the office of the Court of Québec.

1987, c. 64, s. 288; 1988, c. 21, s. 66; 1998, c. 24, s. 122; 2013, c. 32, s. 102.

**289.** (*Repealed*).

1987, c. 64, s. 289; 1988, c. 21, s. 66; 1998, c. 24, s. 123; 2013, c. 16, s. 18.

## CHAPTER IX

### REFERRAL AND APPEAL

**290.** The Minister shall refer any dispute concerning a mining right held by the State to the Court of Québec.

Sections 299 to 303, adapted as required, apply to any case so referred.

A copy of the decision of the Court of Québec shall be transmitted to the Minister.

1987, c. 64, s. 290; 1988, c. 21, s. 66; 1999, c. 40, s. 178.

**291.** Every decision rendered pursuant to section 42.4, 53, 58, 58.1, 61, 63, 74, 101, 101.1, 104 or 120, the second paragraph of section 141, section 147, 148, 169, 169.2, 179, 188, 194, 199, 230 or 231, the first paragraph of section 232.5, subparagraph 4 of the first paragraph of section 232.6, the first paragraph of section 232.7, 232.8 or 232.11, or section 234, 254, 278, 279, 280 or 281, must be in writing and give the reasons on which it is based. It shall be transmitted to the person concerned and, in the case of a decision rendered pursuant to section 42.4, to every holder of a mining right that may be affected by the decision, within fifteen days by registered mail.

1987, c. 64, s. 291; 1988, c. 9, s. 49; 1991, c. 23, s. 7; 1998, c. 24, s. 124; 2003, c. 15, s. 29; 2013, c. 32, s. 103; I.N. 2016-01-01 (NCCP).

**292.** Before rendering a decision under section 291, the Minister shall transmit a copy of the record pertaining to the case to every interested person who applies therefor.

1987, c. 64, s. 292.

**293.** The Minister shall also forward a 30 days' notice of his intention not to renew or to revoke a mining right to the creditors having registered an instrument contemplated in paragraph 3 of section 13.

Where the mining right expires during the period of 30 days, the notice shall have the effect of postponing the expiry of the mining right by suspending its term for the time that remains to run by virtue of the notice.

1987, c. 64, s. 293; 2000, c. 42, s. 188; 2013, c. 32, s. 104.

**294.** A decision to refuse the renewal, to suspend or to revoke a mining right suspends the term of the mining right until the decision becomes enforceable.

1987, c. 64, s. 294; 2013, c. 32, s. 105.

**295.** Any party to a decision under section 291 may appeal therefrom to the Court of Québec. Any holder of a mining right affected by a decision rendered pursuant to section 42.4 may also appeal therefrom to the Court of Québec.

1987, c. 64, s. 295; 1988, c. 21, s. 66; 1998, c. 24, s. 126.

**296.** The appeal suspends the execution of the decision unless the court decides otherwise.

1987, c. 64, s. 296.

**297.** The appeal is brought by an application served on the Minister.

1987, c. 64, s. 297; I.N. 2016-01-01 (NCCP).

**298.** The appellant shall file the application in the office of the Court of Québec of the judicial district of his domicile or principal establishment or of the district where the facts which gave rise to the decision occurred, within 30 days after receipt of the decision by the appellant.

1987, c. 64, s. 298; 1988, c. 21, s. 66; I.N. 2016-01-01 (NCCP).

**299.** Upon service of the application, the Minister shall transmit the record of the decision appealed from to the Court of Québec.

1987, c. 64, s. 299; 1988, c. 21, s. 66; I.N. 2016-01-01 (NCCP).

**300.** The appeal is heard and decided by preference.

The court shall base its decision on the record transmitted to it and on any other evidence submitted by the parties.

1987, c. 64, s. 300.

**301.** The Court of Québec may, in the manner prescribed in articles 63 to 65 of the Code of Civil Procedure (chapter C-25.01), adopt the regulations which, in its judgment, are necessary for the application of this chapter.

1987, c. 64, s. 301; 1988, c. 21, s. 66; I.N. 2016-01-01 (NCCP).

**302.** Only the judges of the Court of Québec designated by the chief judge shall have jurisdiction pursuant to this chapter.

1987, c. 64, s. 302; 1988, c. 21, s. 66; 1995, c. 42, s. 57.

**303.** A decision of the Court of Québec may be appealed from to the Court of Appeal with leave of a judge of the Court of Appeal.

1987, c. 64, s. 303; 1988, c. 21, s. 66.

## CHAPTER X

### POWERS OF THE MINISTER

2003, c. 15, s. 30; 2005, c. 45, s. 6.

## DIVISION I

### SPECIAL POWERS

2005, c. 45, s. 6.

**304.** The Minister may, by order,

(1) reserve to the State or withdraw from prospecting, mining exploration and mining operations any mineral substance forming part of the domain of the State and necessary for any purpose that the Minister considers to be in the public interest, in particular,

- mining inventory and exploration work;
- mining, industrial, port, airport or communications facilities;
- underground conduits;

- development and utilization of waterpower, power transmission lines, storage tanks or underground reservoirs;

- creation of parks or protection areas;

- plant-life and wildlife conservation;

- the protection of eskers that may be a source of drinking water;

- respect for protection areas established under the Groundwater Catchment Regulation (chapter Q-2, r. 6);

- the protection of the rehabilitation and restoration work carried out in accumulation areas under sections 232.1 and 232.11;

- classification as an exceptional forest ecosystem under the Sustainable Forest Development Act (chapter A-18.1) or designation of biological refuges under that same Act;

(1.1) *(subparagraph repealed)*;

(1.2) *(subparagraph repealed)*;

(2) *(subparagraph repealed)*;

(2.1) define, for lands of the domain of the State, the types of construction that may be erected or maintained by the holder of a claim of the land subject to the claim without being required to obtain authorization from the Minister;

(3) declare a drift an underground reservoir and render this Act applicable to it;

(4) *(subparagraph repealed)*.

Where the land on which mining inventory and mining exploration work is to be performed is in a reserved area or an agricultural zone within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), the Minister shall consult the Commission de protection du territoire agricole du Québec before withdrawing the land from staking, map designation, mining exploration or mining operations.

The Minister must, by order, reserve to the State all mineral substances that form part of the domain of the State and for which a lease to mine surface mineral substances was refused under section 142.0.1 or terminated by the Minister under section 142.0.2.

The Minister may allow, by order, on land reserved to the State, mining exploration or mining operations in accordance with this Act for such mineral substances as are determined by the Minister.

The order comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date specified therein.

An order made by the Minister under subparagraph 1 of the first paragraph, concerning the designation of a biological refuge, must refer to the number assigned the biological refuge appearing in the list referred to in section 29 of the Sustainable Forest Development Act, and is valid without further formality.

The order is published on the department's website and comes into force on the date given on that website.

1987, c. 64, s. 304; 1988, c. 9, s. 50; 1991, c. 23, s. 8; 1996, c. 26, s. 85; 1998, c. 24, s. 127; 1999, c. 40, s. 178; 1998, c. 24, s. 127; 2001, c. 6, s. 149; 2007, c. 39, s. 33; 2010, c. 3, s. 305; 2013, c. 16, s. 19; 2013, c. 32, s. 106.

**304.1.** Prior to the making of an order under subparagraph 1 of the first paragraph of section 304, to the coming into force of the withdrawal provided for in section 304.1.1, or to the publication of a notice of classification of an outstanding geological site under section 305.1, the Minister may temporarily suspend, for a period of six months, the right to stake and designate on a map a parcel of land whose boundaries are shown on the maps kept at the office of the registrar. Such a suspension may be renewed for six-month periods.

The suspension takes effect after the filing of a notice in the office of the registrar, on the date indicated in the notice.

2003, c. 15, s. 31; 2005, c. 45, s. 7; 2013, c. 32, s. 107.

### ***Not in force***

**304.1.1.** Any mineral substance forming part of the domain of the State and found in a parcel of land on which a claim may be obtained and that is included in a mining-incompatible territory delimited in a land use and development plan in accordance with the Act respecting land use planning and development (chapter A-19.1) is withdrawn from prospecting, mining exploration and mining operations from the time the territory is shown on the maps kept at the office of the registrar.

A mining-incompatible territory is a territory in which the viability of activities would be compromised by the impacts of mining.

2013, c. 32, s. 108.

**305.** The Minister may, by order, delegate generally or specially, to any person, the exercise of the powers vested in him by this Act.

Such delegation comes into force on the date of publication of the order in the *Gazette officielle du Québec* or on any later date indicated therein.

1987, c. 64, s. 305.

## **DIVISION II**

### **OUTSTANDING GEOLOGICAL SITE**

2005, c. 45, s. 8.

**305.1.** The Minister may classify an outstanding geological site and establish the boundaries of the site after consulting the Minister of Sustainable Development, Environment and Parks, associations in the Québec mining industry and, where applicable, the holders of mining rights, municipalities, urban communities or Native communities concerned.

The notice of classification must be published in the *Gazette officielle du Québec*.

The boundaries of a classified outstanding geological site are shown on maps kept at the office of the registrar.

2005, c. 45, s. 8.

**305.2.** The Minister may extend the boundaries of an outstanding geological site classified under section 305.1 or, if the Minister considers that the grounds for classification no longer exist, declassify part or all of the site after consulting the Minister of Sustainable Development, Environment and Parks.

2005, c. 45, s. 8.

**305.3.** The Minister may take the measures needed to ensure the development or the preservation of an outstanding geological site classified under section 305.1.

2005, c. 45, s. 8.

**305.4.** Before classifying an outstanding geological site located on private property, extending its boundaries or exercising the power described in section 305.3, the Minister must enter into an agreement with the owner.

2005, c. 45, s. 8.

**305.5.** The Minister must request the registration in the land register of the agreement referred to in section 305.4 and forward to the owner a certified statement of registration. The agreement, once registered, is binding on all subsequent acquirers.

The agreement must also be filed in the office of the registrar.

2005, c. 45, s. 8.

### **DIVISION III**

*(Repealed, 2011, c. 16, s. 53)*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.6.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.7.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.8.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.9.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.10.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.11.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.12.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.13.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.14.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.15.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.16.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

## **CHAPTER XI**

### **REGULATIONS**

**306.** The Government may, by regulation,

(1) prescribe the amount of the fee for the registration of any transfer of mining rights or any other act referred to in section 13 and of the fee for the issuance of certificates of entry in the public register of real and immovable mining rights;

(2) prescribe the requirements for obtaining a licence or mining right and any fee or rental payable;

(2.1) fix the amount of the annual fees payable for an authorization to produce brine;

(3) determine the conditions for renewing a mining right or a licence and, if applicable, the fee or rental payable;

(4) prescribe the criteria to be taken into account by the Minister in fixing the rental for a lease to operate an underground reservoir;

(5) prescribe the conditions of exercise of a licence or mining right;

(6) prescribe the fee payable by the holder of a prospecting licence to obtain a duplicate of his licence;

(7) prescribe the conditions of issue, the term and the price of the tags necessary for staking;

(8) determine the documents and information that must accompany notices of staking, notices of map designation, applications for amalgamation and applications for replacement of claims, and prescribe the applicable fees, and for the purpose of prescribing the fee that must accompany a map designation notice, define “person” for the purposes of the first paragraph of section 307;

(8.1) prescribe the fee payable by an applicant for a mining right in the case of a referral to the Minister under section 53;

(8.2) determine how the notification under section 65 is to be given;

(8.3) prescribe the fee payable under section 69;

(9) define the improvements referred to in sections 70 and 144;

(10) specify the nature of any work required under this Act, its minimum cost and related expenses, the form and content of any report relating to it and the documents that must accompany the report;

(10.1) determine, for the purposes of the first paragraph of section 72, what constitutes property examination and technical assessment work;



(11) fix the additional amount referred to in the second paragraph of section 72 and in subparagraph 1 of the second paragraph of sections 104 and 148;

(12) prescribe the rules governing amendments to an application for renewal for the purposes of section 79;

(12.1) define the prospecting work that may be applied, in a report, to the first term of a claim or the first term following conversion of a claim, in accordance with section 81;

(12.1.1) prescribe the fee payable by the holder of a mining right who submits an application to abandon the right in accordance with the first paragraph of section 83 or sections 122 and 156;

(12.2) determine the information that must be contained in an application for the conversion of mining rights referred to in subdivision 5 of Division III of Chapter III and specify, in the case of an application for conversion, the documents that must be submitted with it;

(12.3) prescribe, for the purposes of applications for conversion, or for amalgamation or replacement of claims, the manner of calculating the average unexpired portion of the terms of all the claims to be converted, amalgamated or replaced in order to determine the date of expiry of the converted, amalgamated or replaced claims;

(12.4) prescribe, for the purposes of applications for conversion, or for amalgamation or replacement of claims, the manner in which and the conditions according to which the excess amounts disbursed for work performed on all the parcels of land subject to the claims to be converted, amalgamated or replaced are to be distributed;

(12.5) prescribe, for the purposes of applications for conversion, or for amalgamation or replacement of claims, the manner of determining the number of terms of the converted, amalgamated or replaced claims in order to establish the minimum cost of the work to be performed for further renewals of claims after the first renewal following conversion, amalgamation or replacement;

(12.6) determine the cases in which and the conditions according to which a mining right may be converted into map designated claims and claims may be amalgamated or replaced pursuant to subdivisions 5, 7 and 8 of Division III of Chapter III, and the effects of such conversion, amalgamation or replacement on rights granted to third persons and evidenced in an instrument relating to the converted, amalgamated or replaced mining right recorded in the public register of real and immovable mining rights;

(12.7) *(paragraph repealed);*

(12.8) *(paragraph repealed);*

(12.9) *(paragraph repealed);*

(12.10) determine the qualification requirements concerning the engineer or geologist certifying the report required pursuant to section 101;

(12.11) determine the manner in which the public consultation required under sections 101.0.1 and 140.1 is to be held;

(12.12) determine the particulars relating to the monitoring committee established under section 101.0.3, in particular with respect to the independence of committee members, the information and documents a lessee must provide to the committee so that it can carry out its mandate, the nature of the committee costs to be reimbursed by the lessee, the number of meetings the committee must hold each year and the production of an annual report;

(13) *(paragraph repealed);*

(13.1) fix the amount of the duties to be paid by a person authorized to extract a fixed quantity of surface mineral substances pursuant to the second paragraph of section 140, and the amount of the duties to be paid by the holder of an exclusive lease to mine surface mineral substances who applies under section 146 for an increase in the area of the territory subject to the lease;

(14) fix the amount of the royalty payable under the second paragraph of section 140 or the first paragraph of section 155 or under the second paragraph of section 204;

(14.1) fix the dates on which the report referred to in section 155 must be transmitted to the Minister and prescribe the cases in which the Minister may, in accordance with the second paragraph of that section, allow one yearly report or require the holder of a non-exclusive lease to mine surface mineral substances to transmit monthly reports;

(14.2) prescribe the payment of an additional amount, that it fixes, to be added to royalties, payable by the holder of a lease to mine surface mineral substances or by an operator or a person referred to in section 223.1, in particular for a failure to forward to the Minister the report referred to in section 155 within the specified time, or for any other failure to fulfil the requirements of that section that it determines;

(15) specify the information to be contained in a report on geophysical surveying or well drilling and the accompanying documents;

(15.1) determine, for the purposes of section 163, in what circumstances a temporary discontinuation is to be considered permanent;

(16) prescribe the fee payable and the conditions for the closing of a well;

(17) determine the trial period during which the holder of a licence to explore for petroleum, natural gas and underground reservoirs may extract that substance and the conditions of the extraction;

(18) determine requirements concerning the trial period and the use of an underground reservoir that must be met by the holder of a licence to explore for petroleum, natural gas and underground reservoirs;

(19) prescribe the rules governing the computation of the lump sum referred to in section 190;

(20) prescribe the size of the protected area requiring protection with regard to an underground reservoir;

(21) prescribe the form of the report referred to in section 204 and the information it must contain;

(21.1) fix the amount of duties payable for taking part in a drawing of lots under section 207, and prescribe the conditions to be complied with by a person who intends to take part in the drawing of lots;

(22) prescribe the surveying standards a surveyor must comply with under the second paragraph of section 210;

(23) prescribe norms governing written notices under section 224;

(24) prescribe the plans and records to be kept up to date in accordance with section 225 and the plans to be transmitted to the Minister in accordance with section 223;

(25) prescribe the plans, records and report that the holder of a mining right who performs underground exploration work and an operator are required to transmit to the Minister in accordance with section 226 where the work is discontinued;

(26) prescribe the protective measures to be taken by the holder of a mining right or an operator where mining operations are temporarily or permanently discontinued;

(26.1) determine the work and operations contemplated in section 232.1 and, where expedient, list the mineral substances referred to therein;

(26.2) determine the term, form and amount of the guarantee required under section 232.4 and the conditions of such a guarantee;

(26.3) prescribe the fee payable for the assessment of a rehabilitation and restoration plan with a view to its approval or revision;

(26.4) prescribe the fee payable for the assessment and inspections conducted for the purpose of issuing a certificate of release under section 232.10;

(26.5) prescribe the fee payable when applying for an approval under sections 240 and 241;

(27) prescribe the documents to be transmitted to the Minister in accordance with section 241;

(28) render the provisions respecting highway traffic and safety in the Highway Safety Code (chapter C-24.2) applicable to secondary mining roads;

(29) fix the costs that must accompany an application for the suspension or revocation of a mining right;

(29.1) prescribe the fee payable for searching the public register of real and immovable mining rights, the fee payable for copies of documents, or extracts from the register, and any other related fees;

(29.2) prescribe the fee payable by a person to whom an inspector has given a written notice of non-compliance with this Act or the regulations;

(29.3) prescribe the fee payable for the issue of an attestation respecting mining rights provided for in section 32 of the Groundwater Catchment Regulation (chapter Q-2, r. 6);

(30) fix the terms and conditions of payment of the fees, costs and rentals prescribed in this Act;

(31) determine which provisions of a regulation it is an offence to contravene.

1987, c. 64, s. 306; 1986, c. 91, s. 655; 1988, c. 9, s. 9, s. 51; 1988, c. 9, s. 52; 1990, c. 36, s. 16; 1991, c. 23, s. 9; 1997, c. 43, s. 359; 1998, c. 24, s. 128; 2001, c. 12, s. 17; 2003, c. 15, s. 32; 1998, c. 24, s. 128; 2013, c. 16, s. 20; 2013, c. 32, s. 109.

**306.1.** The maximum amount of the registration fee exigible pursuant to paragraph 1 of section 306 may be fixed for each instrument in the case of mining rights pertaining to mineral substances other than petroleum, natural gas and brine.

1990, c. 36, s. 17.

**307.** In the case of a claim, the fees referred to in paragraphs 3 and 8 of section 306 may vary according to the area of land covered by the claim or according to the region where the land is situated. Moreover, the fees referred to in paragraph 3 of section 306 may vary according to whether the renewal of the claim is applied for before or after the sixtieth day preceding its expiry, and the fees referred to in paragraph 8 of that section which must accompany the notice of map designation may vary according to the number of claims that are map designated during the same day for the same person, whatever the number of notices of map designation presented by that person during that day.

The minimum cost of the work referred to in paragraph 10 of the said section may vary according to the area of the land on which it is performed, the regions where the land is situated or the number of terms of the claim.

The norms with which any report of work performed on a claim must comply, the information which must be contained in the report and the documents which must accompany the report may vary according to the

average cost of the work performed on the claim, according to the total value of the work declared in each report, or according to the total value of the work reported in a given period.

1987, c. 64, s. 307; 1990, c. 36, s. 18; 1998, c. 24, s. 129.

**308.** In the case of a mining lease, the rental referred to in paragraphs 2 and 3 of section 306 may vary according to the area of the land subject to the mining lease or to whether the land is situated on lands in the domain of the State or on lands granted, alienated or leased by the State for purposes other than mining purposes, depending on whether or not the surface of the soil is utilized or according to the nature of its utilization.

1987, c. 64, s. 308; 1999, c. 40, s. 178.

**309.** In the case of a lease to mine surface mineral substances, the requirements and conditions and the rental referred to in paragraphs 2 and 3 of section 306 may vary according to whether the lease is exclusive or not.

In the case of an exclusive lease, the rental referred to in paragraphs 2 and 3 of section 306 may vary according to the term of the lease, the area of the parcel of land subject to the lease and the mineral substance mined, or according to whether or not the substance is mined on land forming part of the domain of the State.

In the case of sand, gravel, common clay and inert tailings, the rental payable under paragraph 2 or 3 of section 306, the fees referred to in paragraph 13.1 of section 306 and the amount of the royalty fixed under paragraph 14 of the same section may vary according to the nature and quality of the substances, the distance between the site where the substances are found and the market served or the availability of the substances in a given region.

1987, c. 64, s. 309; 1990, c. 36, s. 19; 1998, c. 24, s. 130; 1999, c. 40, s. 178.

**310.** In the case of licence to explore for petroleum, natural gas and underground reservoirs or a lease to produce petroleum and natural gas, the fee and the minimum cost of work and the rental, as the case may be, referred to in paragraphs 2, 3 and 10 of section 306, may vary according to the area of the land subject to the licence or lease or according to the region in which it is situated.

The amount of the royalty referred to in paragraph 14 of section 306 may vary according to production. In the case of section 204, the royalty may also vary according to whether it pertains to a zone delimited by ministerial order in a marine environment.

1987, c. 64, s. 310; 1988, c. 9, s. 53; 1998, c. 24, s. 131.

**311.** (*Repealed*).

1987, c. 64, s. 311; 2013, c. 32, s. 110.

**312.** In the case of a mining concession referred to in section 119, the minimum cost of the work referred to in paragraph 10 of section 306 may vary according to the area of the land subject to the mining concession.

1987, c. 64, s. 312.

**313.** In the case of licence to explore for petroleum, natural gas and underground reservoirs, the nature and minimum cost of the work referred to in paragraph 10 of section 306 may vary according to the year of the term of the licence, the area of the territory subject to the licence and the region where it is situated.

1987, c. 64, s. 313; 1998, c. 24, s. 132.

**313.1.** The conditions prescribed for the closing of a well under paragraph 16 of section 306 may vary according to whether the discontinuation is temporary or permanent.

1988, c. 9, s. 54.

**313.2.** The protective measures prescribed under paragraph 26 of section 306 may vary according to the purpose of the mining operations.

1988, c. 9, s. 54.

**313.3.** The term and amount of the guarantee mentioned in paragraph 26.2 of section 306 may vary according to the nature of the activities or operations carried on by the holder of the mining right, the operator or person referred to in section 232.1, or according to the nature and estimated quantity of mine tailings to be produced on a given site.

1998, c. 24, s. 133.

## CHAPTER XII

### PENAL PROVISIONS

**314.** A person who

- (1) contravenes any of sections 19, 20, 45, 157, 165, 176, 220 to 226, 227 and 282,
- (2) damages an outstanding geological site classified by the Minister under section 305.1 or destroys or alters property situated on such a site,
- (3) contravenes a provision of a regulation whose contravention constitutes an offence under paragraph 31 of section 306, or
- (4) prohibits or hinders access to a parcel of land containing mineral substances that form part of the domain of the State by a person authorized by the Minister to perform geological research and inventory work and who, on request, provides identification and produces a certificate of authority signed by the Minister

is guilty of an offence and is liable to a fine of \$1,000 to \$100,000 in the case of a natural person and \$3,000 to \$600,000 in any other case.

1987, c. 64, s. 314; 1990, c. 4, s. 575, s. 576; 1990, c. 36, s. 20; 1991, c. 33, s. 77; 2013, c. 32, s. 111.

**315.** A person who contravenes any of sections 27, 30, 81.1, 155, 233.1 and 252 is guilty of an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person and \$7,500 to \$1,500,000 in any other case.

1987, c. 64, s. 315; 1990, c. 4, s. 575, s. 576; 1990, c. 36, s. 21; 1991, c. 33, s. 78; 2013, c. 32, s. 111.

**316.** A person who contravenes any of sections 100, 140, 185, 193, 216, 232.1, 232.2, 232.6, 233, 240 and 241 is guilty of an offence and is liable to a fine of \$5,000 to \$500,000 in the case of a natural person and \$15,000 to \$3,000,000 in any other case.

1987, c. 64, s. 316; 1990, c. 4, s. 575, s. 576; 1991, c. 33, s. 79; 2013, c. 32, s. 111.

**317.** A person who contravenes section 30.1 is guilty of an offence and is liable to a fine of \$10,000 to \$1,000,000 in the case of a natural person and \$30,000 to \$6,000,000 in any other case.

1987, c. 64, s. 317; 1990, c. 4, s. 575, s. 576; 1991, c. 33, s. 80; 2013, c. 32, s. 111.

**318.** A person who contravenes any of sections 232.4, 232.5 or 232.7 or the standards prescribed by regulation for the guarantee required under this Act is guilty of an offence and is liable to a fine corresponding to 10% of the total amount of the guarantee.

1987, c. 64, s. 318; 1990, c. 4, s. 575, s. 576; 1991, c. 33, s. 81; 1991, c. 23, s. 10; 2013, c. 32, s. 111.

**319.** The fines prescribed in this Act or the regulations are doubled for a second offence and tripled for a subsequent offence, without exceeding the maximum fine.

1987, c. 64, s. 319; 1990, c. 4, s. 575, s. 576; 1991, c. 33, s. 82; 2013, c. 32, s. 111.

**320.** *(Replaced).*

1987, c. 64, s. 320; 1990, c. 4, s. 575; 1991, c. 33, s. 83; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35; 2013, c. 32, s. 111.

**321.** *(Replaced).*

1987, c. 64, s. 321; 1990, c. 4, s. 577; 1991, c. 33, s. 84; 1999, c. 40, s. 178; 2013, c. 32, s. 111.

**321.1.** *(Replaced).*

2005, c. 45, s. 9; 2013, c. 32, s. 111.

**322.** Where an offence described in sections 314 to 318 continues for more than one day, it is considered a separate offence for each day or part of a day during which it continues.

1987, c. 64, s. 322; 1990, c. 4, s. 578; 2013, c. 32, s. 112.

**322.1.** Penal proceedings for an offence under this Act shall be prescribed by two years from the date of the commission of the offence.

1992, c. 61, s. 400.

**323.** *(Repealed).*

1987, c. 64, s. 323; 1990, c. 4, s. 579.

## CHAPTER XIII

### AMENDING PROVISIONS

**324.** *(Omitted).*

1987, c. 64, s. 324.

**325.** *(Omitted).*

1987, c. 64, s. 325.

**326.** *(Omitted).*

1987, c. 64, s. 326; 1988, c. 9, s. 55.

**327.** *(Omitted).*

1987, c. 64, s. 327.

**328.** *(Amendment integrated into c. A-4.1, s. 1).*

1987, c. 64, s. 328.

**329.** *(Amendment integrated into c. A-19.1, s. 1).*

1987, c. 64, s. 329.

**330.** *(Amendment integrated into c. A-19.1, s. 6).*

1987, c. 64, s. 330.

**331.** *(Amendment integrated into c. A-19.1, s. 246).*

1987, c. 64, s. 331.

**332.** *(Amendment integrated into c. C-47, s. 3).*

1987, c. 64, s. 332.

**333.** *(Amendment integrated into c. C-69, s. 40).*

1987, c. 64, s. 333.

**334.** *(Amendment integrated into c. D-15, s. 1).*

1987, c. 64, s. 334.

**335.** *(Amendment integrated into c. D-15, s. 5).*

1987, c. 64, s. 335.

**336.** *(Amendment integrated into c. F-2.1, s. 65).*

1987, c. 64, s. 336.

**337.** *(Amendment integrated into c. M-39, s. 17).*

1987, c. 64, s. 337.

**338.** *(Amendment integrated into c. P-41.1, s. 1).*

1987, c. 64, s. 338.

**339.** *(Amendment integrated into c. T-9.1, s. 56.1).*

1987, c. 64, s. 339.

**340.** *(Omitted).*

1987, c. 64, s. 340.

## CHAPTER XIV

### MISCELLANEOUS AND TRANSITIONAL PROVISIONS

**341.** This Act applies subject to the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1), the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67) and the Act approving the Northeastern Québec Agreement (chapter C-67.1).

1987, c. 64, s. 341.

**342.** *(Repealed).*

1987, c. 64, s. 342; 2013, c. 32, s. 113.

**343.** *(Repealed).*

1987, c. 64, s. 343; 1988, c. 9, s. 56; 2013, c. 32, s. 113.

**344.** In any Act or statutory instrument, any reference to a provision of the Mining Act (chapter M-13) is a reference to the corresponding provision of this Act.

1987, c. 64, s. 344.

**345.** Regulations for the withdrawal from staking made under the Mining Act (chapter M-13) are deemed to be ministerial orders made under section 304 of this Act.

1987, c. 64, s. 345.

**346.** *(Repealed).*

1987, c. 64, s. 346; 2013, c. 32, s. 113.

**347.** *(Repealed).*

1987, c. 64, s. 347; 1988, c. 9, s. 57, s. 58; 2013, c. 32, s. 113.

**348.** *(Repealed).*

1987, c. 64, s. 348; 2013, c. 32, s. 113.

**349.** *(Repealed).*

1987, c. 64, s. 349; 1988, c. 9, s. 59; 1998, c. 24, s. 134; 2013, c. 32, s. 113.

**350.** *(Repealed).*

1987, c. 64, s. 350; 2013, c. 32, s. 113.

**351.** *(Repealed).*

1987, c. 64, s. 351; 1988, c. 9, s. 60; 2013, c. 32, s. 113.

**352.** *(Repealed).*

1987, c. 64, s. 352; 1988, c. 9, s. 61; 2013, c. 32, s. 113.

**353.** *(Repealed).*

1987, c. 64, s. 353; 1988, c. 9, s. 62; 2013, c. 32, s. 113.

**354.** Any work in excess of the prescribed requirements that is transferred to a licence to explore for surface mineral substances may stand *in lieu* of work required under section 137 of this Act.

1987, c. 64, s. 354.

**355.** *(Repealed).*

1987, c. 64, s. 355; 2013, c. 32, s. 113.



**356.** *(Repealed).*

1987, c. 64, s. 356; 2013, c. 32, s. 113.

**357.** *(Repealed).*

1987, c. 64, s. 357; 2013, c. 32, s. 113.

**358.** *(Repealed).*

1987, c. 64, s. 358; 2013, c. 32, s. 113.

**359.** *(Repealed).*

1987, c. 64, s. 359; 2013, c. 32, s. 113.

**360.** Mining concessions granted under any former Act relating to mines are governed by this Act.

1987, c. 64, s. 360; 2013, c. 32, s. 113.

**361.** No transfer of a lot or surface right made before 17 June 1998 on a mining concession may be annulled on the sole ground of non-compliance by the holder with the requirements of the Mining Act respecting alienation in force from the date of the concession, or because of his failure to fulfil an obligation imposed on him by the Government or the ministers concerned.

The first paragraph does not apply to a deed of alienation that had not, on that date, been published at the registry office of the registration division concerned.

1987, c. 64, s. 361; 1988, c. 9, s. 63; 1998, c. 24, s. 135; 2013, c. 32, s. 114.

**362.** Every transfer of a surface right made before 1 January 1971 by emphyteutic lease on any mining concession shall be considered a sale pure and simple.

Contractual clauses inconsistent with the preceding paragraph shall be considered null and not written except those involving for the transferee the obligation to pay a sum of money. However, the hypothec securing the payment of the sum of money is extinguished. The hypothec is cancelled upon the filling of an application therefor, in authentic form *en minute*, made by any interested person.

1987, c. 64, s. 362; 1999, c. 40, s. 178.

**363.** Where a surface right in a mining concession was transferred by a deed of sale before 1 January 1971, every clause respecting a right of repossession or a restriction as to use, every clause waiving liability for damage sustained in consequence of the carrying out of mining work and every clause granting to the holder of a mining concession more rights with respect to the surface owner than those relating to mining and granted to him by the Mining Act (chapter M-13) shall be deemed not written in such deed.

1987, c. 64, s. 363; 1998, c. 24, s. 137.

**364.** *(Repealed).*

1987, c. 64, s. 364; 2013, c. 32, s. 115.

**364.1.** Except in the cases referred to in section 114, the retrocession of mining rights by a concessionary in favour of the Minister, effected before 17 June 1998, shall include the surface rights even if they are not mentioned in the instrument of retrocession, and shall form part of the domain of the State from the date of the retrocession.

The concessionary is not entitled to any indemnity or reimbursement for any claim arising from the application of this section.

1998, c. 24, s. 138; 1999, c. 40, s. 178.

**365.** The white pine and red pine reserved to the State under the Mining Act on the granting of a concession are abandoned to the owner of the soil where they are found on a concession for which letters patent were issued before 1 July 1911.

1987, c. 64, s. 365; 1999, c. 40, s. 178.

**366.** Every holder of a drilling permit issued under the Mining Act (chapter M-13) becomes the holder of a well drilling permit.

1987, c. 64, s. 366.

**367.** Licences for using geophysical instruments and exploration licences for petroleum and natural gas issued pursuant to the second paragraph of section 298 of the Mining Act (chapter M-13) remain in force subject to the rights under and the conditions of the licences until their expiration.

1987, c. 64, s. 367.

**368.** Every holder of a licence to use natural gas issued under the Mining Act (chapter M-13) becomes the holder of a lease to use natural gas.

1987, c. 64, s. 368.

**369.** Every holder of an operating lease issued pursuant to the Mining Act (chapter M-13) for an area greater than that authorized by section 195 becomes the holder of several leases to produce petroleum and natural gas, each of which being for an area that is in conformity with that section.

The holder shall, within three months after 24 October 1988, notify the Minister of the area subject to each of the leases.

Failing notification, the Minister shall establish the area subject to each lease.

1987, c. 64, s. 369.

**370.** Every holder of a disposal licence or of a storage lease issued under the Mining Act (chapter M-13) becomes the holder of a lease to operate an underground reservoir.

1987, c. 64, s. 370.

**371.** The long-term operating licence bearing no. 30759 remains in force subject to the rights under and the conditions of the licence until its expiration.

The holder of the licence contemplated in the first paragraph may, before the expiration of his licence, obtain a lease to use natural gas under this Act.

1987, c. 64, s. 371.

**372.** (*Repealed*).

1987, c. 64, s. 372; 2013, c. 32, s. 115.

**373.** (*Repealed*).

1987, c. 64, s. 373; 1990, c. 36, s. 22.

**374.** All lands in the domain of the State that were allocated for the establishment of a mining town or village are subject to the provisions of the Act respecting the lands in the domain of the State (chapter T-8.1) and the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2).

1987, c. 64, s. 374; 1998, c. 24, s. 139; 1999, c. 40, s. 178; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

**374.1.** No deed of alienation granted by the Minister in respect of a lot situated in a mining town or village before 17 June 1998 may not be invalidated on the sole ground that the price and conditions of alienation were not fixed by the Government.

1998, c. 24, s. 140.

**374.2.** Every transfer of a lot in a mining town or village by way of a lease known as an emphyteutic lease granted before 17 June 1998 by the Government or by a third person having acquired land in the domain of the State for the establishment of a mining town or village, is deemed to constitute a sale pure and simple.

The clauses of the contract that are incompatible with the first paragraph are deemed unwritten; all hypothecs guaranteeing the payment of a sum of money are extinguished and their registration may be cancelled by the filing of an application in notarial form and *en minute* by the interested person.

1998, c. 24, s. 140; 1999, c. 40, s. 178.

**374.3.** The conditions stipulated in the letters patent issued on 10 November 1952 for block 9 of the original survey and of the cadastre for the township of Holland, registered at the office of the Québec registrar on 11 November 1952 under Libro 82 Folio 102 shall cease to have effect on 17 June 1998.

Acts of alienation granted by the holder of the letters patent or by the holder's successors may not be invalidated on the sole ground that the conditions have not been complied with.

1998, c. 24, s. 140.

**375.** (*Repealed*).

1987, c. 64, s. 375; 1998, c. 24, s. 141.

**376.** Prescriptions running pursuant to sections 227, 228 and 229 of the Mining Act (chapter M-13) continue to run in accordance with the provisions of those sections.

1987, c. 64, s. 376.

**377.** (*Repealed*).

1987, c. 64, s. 377; 2013, c. 32, s. 115.

**378.** Rights in natural and artificial underground reservoirs created by the extraction of petroleum, natural gas, brine or water that are situated on lands granted or alienated by the State before 5 July 1968 are revoked and revert to the State from 24 October 1988, whatever the mode of their granting or alienation.

1987, c. 64, s. 378; 1999, c. 40, s. 178.

**379.** If, after rights in an underground reservoir have been revoked, the underground reservoir concerned is operated, the person whose rights were revoked is entitled, as compensation, to the royalty referred to in section 274. Sections 275 to 277 apply to the payment of the compensation.

1987, c. 64, s. 379.

**379.1.** When the Minister of Revenue, in accordance with section 31 of the Tax Administration Act (chapter A-6.002), applies a refund due to a person under a fiscal law to the payment of an amount owed by

that person under this Act, such application interrupts the prescription provided for in the Civil Code with regard to the recovery of the amount.

2015, c. 8, s. 73.

**380.** *(Repealed).*

1987, c. 64, s. 380; 2013, c. 32, s. 115.

**381.** *(Repealed).*

1987, c. 64, s. 381; 2013, c. 32, s. 115.

**382.** The Minister of Natural Resources and Wildlife is responsible for the administration of this Act, except the provisions concerning mining roads, which shall be administered by the Minister of Transport.

1987, c. 64, s. 382; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

**383.** *(Omitted).*

1987, c. 64, s. 383.

**SCHEDULE I**

*(Repealed).*

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1987, c. 64, Schedule I; 1988, c. 9, s. 64; 1996, c. 2, s. 739; 1998, c. 24, s. 142.

### REPEAL SCHEDULE

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 64 of the statutes of 1987, in force on 1 March 1989, is repealed, except sections 325 to 327 and 383, effective from the coming into force of chapter M-13.1 of the Revised Statutes.