The Crown Minerals Act

being

Chapter C-50.2 of the *Statutes of Saskatchewan, 1984-85-86* (effective July 1, 1985) as amended by the *Statutes of Saskatchewan*, 1988-89, c.42; 1989-90, c.54; 1990-91, c.13; 1992, c.25; 1993, c.T-20.1; 1995, c.18; 2000, c.L-5.1 and c.50; 2007, c.23; 2009, c.T-23.01 and c.5; 2010, c.E-9.22, c.F-22.11 and c.9; and 2015, c.21.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER C-50.2

An Act respecting Crown Minerals and Crown Mineral Lands

PART I
Preliminary Matters

Short title

1 This Act may be cited as *The Crown Minerals Act*.

Interpretation

2(1) In this Act:

(a) **"Crown"** means Her Majesty the Queen in right of Saskatchewan;

(b) **"Crown disposition"** means the rights granted by the Crown under a Crown lease or any other instrument issued under this Act, or under any predecessor statute, by which the Crown has granted to any person any right or privilege to explore or prospect for any Crown mineral, or any other right to or interest in any Crown mineral or any Crown mineral lands;

(c) **"Crown lease"** means a lease issued under this Act, or under any predecessor statute, by which the Crown has granted to any person the right to extract, recover or produce any Crown mineral;

(d) **"Crown mineral"** means any mineral that may be found on, in or under any Crown mineral lands;

(e) **"Crown mineral lands"** means the mineral interest of the Crown in any lands in Saskatchewan whether or not the surface rights in any of those lands are also the property of the Crown;

(f) **Repealed.** 2010, c.9, s.4.

(g) **"holder"** means the person who is shown in the records of the ministry as the owner of a Crown disposition;

(g.1) **"Indian band"** means a band as defined in the *Indian Act* (Canada) and includes the council of a band;

(h) **"mine"** means any facility in Saskatchewan for extracting, recovering or producing any mineral except oil or gas;

(i) **"mineral"** means any non-viable substance formed by the processes of nature, irrespective of chemical or physical state and both before and after extraction, but does not include any surface or ground water, agricultural soil or sand or gravel;

(j) **"minister"** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(j.1) **"ministry"** means the ministry over which the minister presides;

(k) **"predecessor statute"** means *The Mineral Resources Act*, and any other statute in force in Saskatchewan at any time on or before the day upon which this Act comes into force, under or pursuant to which the Crown may grant or has granted to any person any right or privilege to explore or prospect for or any right to extract, recover or produce any Crown mineral, or any other right to or interest in any Crown mineral or any Crown mineral lands, and includes any regulations, orders or other statutory instruments made under any such statute;

(l) **"prescribed"** means prescribed by regulation by the Lieutenant Governor in Council;

(l.1) **"tax"** means a tax however it is described;

(m) **Repealed.** 1992, c.25, s.3.

(1.1) A reference in this Act or the regulations to a royalty is deemed to include a reference to a tax.

(1.2) Every provision in this Act or the regulations respecting the imposing, taking, calculating, collecting, fixing, enforcing the payment of or paying a royalty applies, with any necessary modification, to the imposing, taking, calculating, collecting, fixing, enforcing the payment of or paying of a tax.

(2) This Act is binding on Her Majesty the Queen in right of Canada or in right of any province and on any person acting for or on behalf of Her Majesty the Queen in right of Canada or in right of any province.

(3) Nothing in this Act shall be construed to affect prejudicially any mining rights and interests acquired prior to April 1, 1931 and all mining rights and privileges acquired prior to April 1, 1931, shall be deemed to be taken and held subject to the rights of the Crown and to the public right of way and water.

1984-85-86, c.C-50.2, s.2; 1992, c.25, s.3; 1993, c.T-20.1, s.4; 2010, c.9, s.6.

Application

3(1) This Act applies:

(a) to all Crown minerals and all Crown mineral lands in Saskatchewan;

(b) to the granting and acquiring of all rights to and interests in all Crown minerals and all Crown mineral lands in Saskatchewan; and

(c) to all Crown dispositions issued under this Act and to all Crown dispositions deemed to be issued under this Act to the same extent and with the same force and effect as if the Crown disposition had been issued under this Act.

(2) From and after the day this Act comes into force, no right to or interest in any Crown mineral or any Crown mineral lands shall be granted to or acquired by any person from the Crown except under a Crown disposition issued by the minister under this Act.

(3) Notwithstanding subsections (1) and (2), the Lieutenant Governor in Council may make regulations exempting from the application of this Act the sale, assignment, transfer or other disposition of any right to or interest in any Crown mineral or any Crown mineral lands owned or held by Crown corporations designated in the regulations.

(4) Notwithstanding subsections (1) and (2), the Lieutenant Governor in Council may set aside and transfer the administration and control of Crown minerals and Crown mineral lands to Her Majesty the Queen in right of Canada:

(a) for the purpose of satisfying or discharging any obligations or undertakings of Saskatchewan under paragraph 10 of the agreement set forth in the schedule to chapter 87 of the *Statutes of Saskatchewan, 1930*, including all amendments made from time to time to that agreement;

(b) for the purpose of the *National Parks Act* (Canada), as amended from time to time;

(c) for the purpose of assisting Her Majesty the Queen in right of Canada to satisfy or discharge any obligations or undertakings of Her Majesty in right of Canada to Indian bands in Saskatchewan;

and thereafter this Act shall not apply to any Crown minerals or Crown mineral lands the administration and control of which has been so transferred.

1984-85-86, c.C-50.2, s.3; 1992, c.25, s.4; 1993, c.T-20.1, s.4.

PART II
Crown Dispositions

Crown dispositions

4 Subject to the provisions of this Act and the regulations, the minister may issue Crown dispositions:

(a) to any person who has complied with the requirement therefor in accordance with the regulations;

(b) with respect to any Crown minerals or Crown mineral lands that are withdrawn pursuant to section 21 and where the minister determines it to be in the public interest, by agreement or lease entered into with any person on terms and conditions approved by the Lieutenant Governor in Council;

(c) pursuant to the acceptance of an offer to purchase a Crown disposition submitted in connection with a sale by public tender; or

(d) to any holder of a Crown disposition who is entitled to apply for or obtain another Crown disposition.

1984-85-86, c.C-50.2, s.4; 2010, c.9, s.7.

Terms and conditions of Crown disposition

5(1) Except as otherwise provided in this Act, any document evidencing a Crown disposition:

(a) shall be issued for a period;

(b) shall be in a form; and

(c) shall contain the terms, conditions, restrictions and stipulations;

that may be prescribed by the regulations.

(2) Subject to subsection (1), the minister may determine the form and contents of any documents required or provided for by this Act, including the form and contents of any document evidencing a Crown disposition.

1984-85-86, c.C-50.2, s.5.

Crown dispositions for geological strata

6 The minister may issue Crown dispositions with respect to all or any one or more of or any portion of any of the geological strata comprising the Crown mineral lands or with respect to all or any one or more of the Crown minerals that may be found on, in or under the Crown mineral lands.

1984-85-86, c.C-50.2, s.6.

Royalties or other payments in arrears

7(1) No holder of a Crown disposition who is in arrears for royalties or other payments owing to the Crown in connection with a Crown disposition may be issued any additional Crown disposition.

(2) The minister may refuse to register or record any transfer of a Crown disposition or of any interest therein to a holder who is in arrears for royalties or other payments owing to the Crown in connection with a Crown disposition or from that holder to any other person as long as the arrears are outstanding.

1984-85-86, c.C-50.2, s.7.

Rights and obligations of holder of Crown disposition

8 The rights to and interests of a holder in any Crown mineral or any Crown mineral lands that are granted or acquired under a Crown disposition issued under this Act and the duties and obligations of the holder with respect to the Crown disposition shall be those set out in the document evidencing the Crown disposition and in this Act and the regulations relating to that Crown disposition, and the rights, interests, duties and obligations with respect to Crown dispositions previously issued may be amended or varied in accordance with amendments to this Act or the regulations.

1984-85-86, c.C-50.2, s.8.

Cancellation of Crown disposition

9(1) Any Crown disposition may be cancelled by the minister if there has been a breach by the holder of any of the provisions of the Crown disposition or any of the provisions of this Act or the regulations relating to the Crown disposition.

(2) Unless the regulations provide for the automatic lapse of a Crown disposition, the minister shall not cancel any disposition pursuant to subsection (1) unless he has given written notice to the holder that the holder's Crown disposition may be cancelled and the holder has not remedied or commenced to remedy the default to the satisfaction of the minister within 60 days after the receipt of the notice.

1984-85-86, c.C-50.2, s.9.

Minister may grant relief from cancellation

10 Where the cancellation pursuant to section 9 or any loss of rights has occurred with respect to any Crown disposition, the minister may make an order, on such terms as he deems just, granting relief from the cancellation or loss of rights, and on compliance with the terms, if any, so imposed, the rights cancelled or lost shall be revested in the person so relieved but subject to any intervening right of any person arising subsequent to the cancellation and loss of rights and prior to the order of the minister.

1984-85-86, c.C-50.2, s.10; 1992, c.25, s.5.

Cancellation for environmental concerns

10.1(1) In this section, **"development"** means a development as defined in *The Environmental Assessment Act*.

(2) The minister shall cancel all or those portions of Crown dispositions where:

(a) either:

(i) the Crown dispositions or portions of Crown dispositions are within an area affected by a development if:

(A) an environmental assessment and review process conducted under *The Environmental Assessment Act* determines that the development should not proceed; and

(B) the Lieutenant Governor in Council, on the recommendation of the minister responsible for the administration of *The Environmental Assessment Act*, directs the minister to cancel all or those portions of a Crown disposition within the area affected by the development; or

(ii) the minister is directed by the Lieutenant Governor in Council to cancel the Crown dispositions or portions of Crown dispositions for the purposes of environmental protection; and

(b) the holders of the Crown dispositions consent in writing to the cancellation.

(3) If the minister cancels all or a portion of a Crown disposition pursuant to this section, the minister shall:

(a) notify, in any manner the minister considers appropriate, the holder of the Crown disposition of the cancellation or partial cancellation;

(b) provide any compensation or financial assistance that may be prescribed in the regulations to compensate holders of Crown dispositions that are wholly or partly cancelled; and

(c) withdraw from disposition, in accordance with section 21, those Crown minerals or Crown mineral lands with respect to which a Crown lease has been cancelled or partially cancelled pursuant to this section.

(4) If the minister cancels only a portion of a Crown disposition pursuant to this section and the holder of the Crown disposition wishes to retain the uncancelled portion of the Crown disposition, the holder shall comply with any directions of the minister respecting restaking and any other matters that the minister considers necessary.

(5) Notwithstanding any other Act or law, no person has a right of action against the Crown, the minister, the ministry, the minister responsible for the administration of *The Environmental Assessment Act*, the ministry over which that minister presides or any officer, agent or employee of the Crown for any loss resulting from or related to the cancellation of all or a portion of a Crown disposition other than for any compensation or financial assistance that may be prescribed in the regulations for the purpose of compensating the holders of cancelled Crown dispositions.

(6) Notwithstanding any other Act or law, the Crown's only obligations with respect to a Crown disposition that has been wholly or partially cancelled pursuant to this section are the obligations mentioned in subsection (3).

1992, c.25, s.6; 2010, c.9, s.8.

Outstanding Crown dispositions deemed to be under Act

11 Where a Crown disposition is outstanding on the day this Act comes into force, that Crown disposition shall be deemed to be issued under this Act.

1984-85-86, c.C-50.2, s.11.

Rights and obligations of holder of outstanding Crown dispositions

12 The rights, interests, duties and obligations of a holder of a Crown disposition to which section 11 applies shall be those rights, interests, duties and obligations set out in the document evidencing the Crown disposition and in this Act and the regulations.

1984-85-86, c.C-50.2, s.12.

Removal of Crown minerals

13 Except as may be permitted by the regulations or under the authority of and in accordance with a Crown lease, no Crown minerals shall be extracted, recovered or produced from any Crown mineral lands.

1984-85-86, c.C-50.2, s.13.

Lease to reserve royalty

14 Except as otherwise provided in the regulations, every Crown lease shall except and shall reserve to the Crown a royalty or royalties on all Crown minerals that may be extracted, recovered or produced under that Crown lease.

1984-85-86, c.C-50.2, s.14.

Lease to provide for calculation and payment of royalty

15 Every Crown lease may provide that the royalty or royalties excepted and reserved to the Crown thereunder shall be calculated and paid in the prescribed manner and at the prescribed rate or rates.

1984-85-86, c.C-50.2, s.15.

Appeals

16(1) A person who is required to pay a royalty and who objects to any determination made by the minister of the amount of royalty payable, or of any factor or component that must be determined in order to calculate that amount, may appeal the determination within 90 days after the day on which the notice of the determination is mailed to that person pursuant to the regulations.

(1.1) Before appealing, the person who objects to the determination must pay to the minister the amount required to be paid as a result of the determination.

(1.2) A person may appeal by delivering to the Board of Revenue Commissioners, either personally or by registered mail, written notice of the appeal setting out:

(a) the reasons for the objections to the determination; and

(b) the allegations of fact and law on which the person appealing relies to support the objections to the determination.

(1.3) A person may not appeal any part of a determination respecting the price of a mineral made by or pursuant to the regulations made pursuant to clause 22(1.1)(g) for the purpose of calculating the royalty.

(2) On an appeal under this section, the Board of Revenue Commissioners may confirm, reduce, increase or vary the determination or may refer the matter back to the minister for further determination in accordance with the regulations.

(3) Sections 21, 22 and 23 of *The Revenue and Financial Services Act* apply to appeals under this section.

(4) In any appeal pursuant to this section by a person who is required to pay a royalty, that person has the onus of proof of the allegations of fact and law on which he relies to support his objections to the determination.

(5) In any appeal under this section, any person or any officer, director or agent of any corporation, whether or not the person or corporation is a party to the appeal, may be examined on oath and shall make production on oath of any documents, records or things that may be in the possession or under the control of the person or corporation and may be required to attend for examination and to make production in the same manner as a party to an action in Her Majesty's Court of Queen's Bench for Saskatchewan may be required to attend for examination and to make production, but this subsection does not apply to the minister or to any officer or servant of the Crown.

1984-85-86, c.C-50.2, s.16; 1988-89, c.42, s.17; 1992, c.25, s.7; 1995, c.18, s.3.

Collection of royalties

16.01(1) Where a determination mentioned in subsection 16(1) is made and no appeal is commenced within the appeal period and the amount of royalty required to be paid as a result of that determination is still owing, or a person who is required to pay a royalty has acknowledged in a return or any other document filed with the minister or the ministry that he or she is required to pay an amount of royalty specified in that return or other document and that amount has remained unpaid for at least 30 days since the acknowledgement, the minister may:

(a) certify that amount, plus any penalty or interest owing respecting that amount, in a certificate in the prescribed form; and

(b) file that certificate at any judicial centre with the local registrar of the Court of Queen's Bench.

(2) A certificate filed pursuant to subsection (1):

(a) is to be served, within 30 days of filing, on the person who is the subject of the certificate, but failure to serve the certificate within 30 days does not affect the validity of the certificate; and

(b) has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount specified in the certificate, together with any reasonable costs and charges respecting its filing.

(3) Notwithstanding *The Enforcement of Money Judgments Act*, amounts owed pursuant to this Act have priority over the claims of all enforcing judgment creditors, whether or not the Crown is also an enforcing judgment creditor with respect to those amounts.

(4) In subsection (3), **"enforcing judgment creditor"** means enforcing judgment creditor as defined in *The Enforcement of Money Judgments Act*.

1995, c.18, s.4; 2010, c.E-9.22, s.152.

Collection from third parties

16.02(1) In this section, **"third party"** means a person who is, or is about to become, indebted to or liable to pay money to a person liable to pay or remit a royalty.

(2) Where a certificate has been filed pursuant to section 16.01, the minister may serve a notice of intention in the prescribed form on the person liable to pay or remit a royalty advising that person of the minister's intention to serve a demand on a third party.

(3) No sooner than seven days after serving the notice of intention, the minister may serve a demand in the prescribed form on a person who is a third party in relation to the person who is the subject of the certificate requiring that all or any part of the money payable by the third party to that person be paid to the minister immediately on it becoming payable to that person.

(4) A demand does not apply to any amount payable by a third party where that amount is payable:

(a) after 30 days following the day on which the demand is served; or

(b) after a period not greater than six months following the day on which the demand is served that the minister may specify in the demand.

(5) Payment to the minister by a third party of an amount pursuant to this section discharges the liability of the third party to the person who is the subject of the certificate to the extent of that amount.

(6) Where a third party is served with a demand pursuant to this section and subsequently discharges any liability to the person who is the subject of the certificate or fails to comply with the demand, that third party is liable to the Crown to the extent of the lesser of:

(a) the amount of liability discharged to the person who is the subject of the certificate; and

(b) the amount specified in the demand.

1995, c.18, s.4.

Collection of rent, fees, dues or other charges

16.03(1) Sections 16.01 and 16.02 apply, with any necessary modification, to any rent, fees, dues or other charges, other than royalties, owing pursuant to this Act or the regulations.

(2) Where the minister files a certificate mentioned in section 16.01 respecting any rent, fees, dues or other charges, other than royalties:

(a) the minister shall serve the certificate on the person who is the subject of the certificate within 30 days of filing; and

(b) the person who is the subject of the certificate may appeal the certificate to a judge of the Court of Queen's Bench at any time within 30 days after the certificate is served.

1995, c.18, s.4.

Service of demand or certificate

16.04(1) A certificate mentioned in section 16.01 or 16.03 and a demand or notice mentioned in section 16.02 may be served personally or by registered mail sent to the last known address of the person being served.

(2) A certificate, demand or notice served by registered mail is deemed to have been received on the seventh day following the day of its mailing unless the person to whom it was mailed establishes that, through no fault of his or her own, it was not received or was received on a later date.

1995, c.18, s.4.

Termination of deeper rights

16.1(1) In this section:

(a) **"deeper rights"** means the petroleum, natural gas or petroleum and natural gas rights in a Crown lease below the base of the deepest productive zone;

(b) **"deepest productive zone"** means the deepest zone, as determined by the minister, within a Crown lease from which, in the opinion of the minister, petroleum, natural gas or petroleum and natural gas:

(i) is being produced in commercial quantities; or

(ii) is capable of being produced in commercial quantities, as determined by the minister in accordance with the regulations;

(c) **"primary term"** means the initial term of a Crown lease as set out in the Crown lease, exclusive of any extensions for that term set out in that Crown lease.

(2) This section applies to all Crown leases that grant the right to extract, recover or produce petroleum, natural gas or petroleum and natural gas, whether those Crown leases were issued before, on or after the coming into force of this section.

(3) Notwithstanding any other provision of this Act, the regulations, any other Act or law or any term or condition of a Crown lease, following the expiry of the later of five years from the coming into force of this section and the primary term of a Crown lease, the minister, in accordance with the regulations, may terminate all or part of the Crown lease covering the deeper rights granted by the Crown lease.

(4) Notwithstanding subsection (3) but subject to subsection (5), the holder of a Crown lease may apply to the minister for approval to have the deeper rights continue as part of the Crown lease.

(5) An application pursuant to subsection (4) shall:

(a) be made in the manner prescribed in the regulations;

(b) contain the information prescribed in the regulations; and

(c) be made not less than 60 days before the April 1 of the year in which the deeper rights may be terminated pursuant to this section.

(6) On receipt of an application pursuant to subsection (4), if the minister considers it appropriate, the minister may declare that the deeper rights are not terminated but are continued as part of the Crown lease subject to any terms and conditions that the minister considers appropriate.

(7) The provisions of this section and the regulations made for the purposes of this section prevail in the case of any conflict between:

(a) this section and the regulations made for the purposes of this section; and

(b) the terms and conditions of a Crown lease or any advertisement, notice, agreement or other document pursuant to which a Crown lease was offered or made available for disposition.

(8) The minister is not required to provide the holder of any Crown lease with any notice that deeper rights may be terminated or have been terminated pursuant to this section.

1992, c.25, s.8.

Regulations respecting transfers and security interests

17 The Lieutenant Governor in Council may make regulations:

(a) prescribing the terms and conditions pursuant to which Crown dispositions may be assigned or transferred;

(b) providing for the registration of Crown dispositions;

(c) providing for the registration of transfers of Crown dispositions or interests in Crown dispositions;

(d) providing for the registration of security interests in Crown dispositions;

(e) providing for the registration of, or notice of, any other document, instrument or order;

(e.1) prescribing the circumstances in which the registration of a security interest or the registration of, or notice of, any other document, instrument or order may be lapsed, and prescribing the manner in which the registrations or notices may be lapsed;

(f) providing for the determination of priority between an unregistered instrument and a registered instrument or between two or more registered instruments; and

(g) providing for the application to a court of competent jurisdiction to require a person to comply with a demand for information relating to a security interest in a Crown disposition.

1984-85-86, c.C-50.2, s.17; 1989-90, c.54, s.6; 2010, c.9, s.14.

Registry as information service

17.1 Subject to *The Builders' Lien Act*, to the other provisions of this Act and to the regulations, every registration of, or notice of, a security interest or any other prescribed document, instrument or order is provided as an information service only, with no guarantee or liability with respect to that information on the part of the Crown, the minister, the ministry or any officer, employee or agent of the ministry.

2010, c.9, s.15.

Power of minister to require evidence re information, etc.

17.2(1) For the purposes of determining the accuracy of any information provided to the minister pursuant to this Act or the regulations, the minister may direct the person providing the information to provide supporting evidence satisfactory to the minister that the information is correct and reliable.

(2) A person to whom a direction is issued pursuant to subsection (1) shall comply with the direction within the period specified by the minister in the direction.

2010, c.9, s.15.

PART III
General

Power of minister to enter into agreement respecting unit operations

18 Where the minister determines it to be in the public interest, he may enter into agreements respecting unit operations whereby Crown mineral lands in any described area are merged, consolidated or integrated with other Crown mineral lands or with mineral lands owned by any other person, or both, in the described area for the purpose of being operated as a unit for:

(a) the development or production of a mineral on, in or under the described area or any specified strata or portion thereof within the described area;

(b) the implementation of a program for the development, conservation or management of the mineral or the co-ordinated management of interests in the mineral; or

(c) the calculation of royalties excepted and reserved to the Crown.

1984-85-86, c.C-50.2, s.18.

Reciprocal agreements

18.1(1) The minister may enter into agreements on behalf of the Government of Saskatchewan with:

(a) the Government of Canada; or

(b) the government of any other province or territory of Canada;

respecting a reciprocal exchange of information relevant to the administration of this Act or similar legislation of a government mentioned in clause (a) or (b).

(2) Subject to subsection (3), where the minister has entered into an agreement pursuant to subsection (1), the minister may:

(a) authorize the release of any information or the contents of any record or return; or

(b) allow inspection of or access to any information, record or return;

to any person employed by the government that has entered into the agreement with the minister.

(3) No release shall be authorized and no inspection or access shall be allowed pursuant to subsection (2) unless the government mentioned in that subsection:

(a) agrees to communicate or make accessible to the minister on a reciprocal basis the information, records and returns obtained by that government for the purposes of any legislation mentioned in subsection (1); and

(b) agrees that it will not use any information, records or returns communicated or made accessible by the minister for any purpose other than the administration and enforcement of any legislation mentioned in subsection (1) of that government.

1990-91, c.13, s.3.

Agreements with Indian bands

18.2(1) For the purposes mentioned in clauses 3(4)(a) and (c), the minister may, on behalf of the Government of Saskatchewan:

(a) enter into agreements with the Government of Canada or Indian bands or both with respect to the transfer of the administration and control of Crown minerals and Crown mineral lands;

(b) enter into agreements with the Government of Canada or Indian bands or both with respect to the release of confidential information that may be required to advise those bands of the existence of the interests of third parties in certain Crown minerals and Crown mineral lands;

(c) enter into agreements with appraisers with respect to the release of confidential information that may be required for the purpose of determining the value of certain Crown minerals and Crown mineral lands;

(d) release confidential information pursuant to any agreement mentioned in clauses (b) and (c).

(2) No person shall knowingly release confidential information in contravention of the terms of an agreement mentioned in subsection (1).

1993, c.T-20.1, s.4.

Entry and use of surface

19 No Crown disposition shall authorize any person to enter on or use the surface of the Crown mineral lands to which the Crown disposition applies.

1984-85-86, c.C-50.2, s.19.

20 Repealed. 2000, c.50, s.4.

Withdrawal of Crown minerals and Crown mineral lands

21(1) The minister may withdraw any Crown minerals or Crown mineral lands from the Crown minerals or Crown mineral lands available for Crown disposition and, as long as those minerals or lands remain withdrawn, a Crown disposition respecting those minerals or lands shall not be issued except pursuant to subsection 3(4) or clause 4(b).

(2) The minister shall:

(a) publish a notice of the withdrawal of Crown minerals or Crown mineral lands in any manner that the minister considers appropriate to bring the withdrawal to the public's attention, including publishing the notice on the ministry's website; and

(b) keep a record of the withdrawal of Crown minerals or Crown mineral lands.

(3) The withdrawal is effective on the date that the notice respecting the withdrawal mentioned in subsection (2) is published.

2010, c.9, s.17; 2015, c.21, s.17.

Reopening of Crown minerals or Crown mineral lands

21.1(1) The minister may reopen for Crown disposition any Crown minerals or Crown mineral lands withdrawn pursuant to section 21.

(2) The minister shall:

(a) publish a notice of the reopening of Crown minerals or Crown mineral lands in any manner that the minister considers appropriate to bring the reopening to the public's attention, including publishing the notice on the ministry's website; and

(b) keep a record of the reopening of Crown minerals or Crown mineral lands.

(3) The reopening is effective on the date set out in the notice.

2010, c.9, s.17; 2015, c.21, s.17.

Transition for existing withdrawn Crown minerals or Crown mineral lands

21.2 Any Crown minerals or Crown mineral lands that remain withdrawn from the Crown minerals or Crown mineral lands available for Crown disposition on the day before this section comes into force continue to be withdrawn as if they were withdrawn pursuant to section 21 and may be reopened for Crown disposition in accordance with section 21.1.

2010, c.9, s.17.

Immunity

21.3 No action or other proceeding lies or shall be commenced against the minister, the ministry, the Crown, or officers, employees or agents of the Crown for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any one or more of them, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any function or duty imposed by this Act or the regulations.

2010, c.9, s.17.

Regulations

22(1) For the purpose of carrying out the provisions of this Act according to its intent, the Lieutenant Governor in Council may make regulations:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Act;

(b) prescribing anything that is, by this Act, to be prescribed by regulation or is to be determined or regulated by regulations;

(c) respecting the granting and administration of Crown dispositions, including, without restricting the generality of the foregoing:

(i) prescribing the types of dispositions that may be issued;

(ii) placing restrictions on the issuing of dispositions;

(iii) prescribing procedures for applying for dispositions;

(iv) creating the offices of an administrator and a recorder and the duties of those officers;

(v) governing the recording of dispositions;

(vi) prescribing the rights, interests, duties and obligations of a holder of a disposition;

(vii) prescribing terms and conditions to which dispositions are subject and authorizing the minister to issue dispositions subject to additional terms and conditions that the minister considers appropriate, as long as those additional terms and conditions do not create an undue advantage or disadvantage for the disposition holder;

(viii) prescribing rules for determining priority among applicants for dispositions;

(ix) governing the surrender or forfeiture of dispositions;

(x) governing the registration of disputes respecting dispositions; and

(xi) governing the creation of mining districts;

(d) notwithstanding subsections 3(1) and (2), transferring to any person all or any portion of the Crown's interest in any Crown mineral or Crown mineral lands;

(e) requiring from holders of Crown dispositions or the occupiers or operators of any mine or well from which any Crown mineral is extracted, recovered or produced, reports and statements of any activities carried out under any Crown disposition, or the results of any of those activities;

(f) to (f.3) **Repealed.** 1995, c.18, s.5.

(g) respecting the rents, fees, dues or other charges to be paid for or under a Crown disposition, or for any other right or privilege granted or to be granted under this Act or the regulations;

(g.1) respecting the issuance of a Crown lease pursuant to subsection 23(12), including:

(i) prescribing procedures to surrender a lease respecting acquired oil and gas rights;

(ii) respecting the requirements to apply to convert a lease respecting acquired oil and gas rights to a Crown lease; and

(iii) respecting the terms and conditions on which the minister may issue the Crown lease;

(h) requiring minerals, mineral ores and mineral bearing substances extracted from Crown mineral lands to be treated and refined in Saskatchewan;

(i) governing the keeping and disposing of cores, cuttings and samples obtained in exploration for or development of any mineral resource; and

(i.1) **Repealed.** 1995, c.18, s.5.

(i.2) **Repealed.** 1995, c.18, s.5.

(i.3) prescribing compensation or financial assistance, in any form that the Lieutenant Governor in Council considers appropriate, to compensate holders of Crown dispositions that have been wholly or partially cancelled pursuant to section 10.1;

(i.4) **Repealed.** 1995, c.18, s.5.

(i.5) prescribing the manner in which and conditions under which the minister may terminate deeper rights under section 16.1;

(i.6) prescribing the manner in which applications may be made pursuant to section 16.1 by holders of Crown leases, and the information to be contained in those applications, for the purposes of continuing deeper rights as part of the Crown leases;

(i.61) for the purposes of section 17.1, prescribing documents, instruments or orders;

(i.7) prescribing the terms and conditions pursuant to which the minister may hold and administer, on behalf of Indian bands, Crown minerals and Crown mineral lands that the Crown has agreed to transfer to Her Majesty the Queen in right of Canada pursuant to an agreement entered into pursuant to section 18.2;

(j) respecting any other matter that he considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(1.1) The Lieutenant Governor in Council, respecting royalties that are excepted and reserved to the Crown under a Crown lease, may make regulations:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Act;

(b) prescribing anything that is, by this Act, to be prescribed by regulation or is to be determined or regulated by regulations;

(c) determining royalty rates and royalties, the manner of calculating royalty rates and royalties and the form and method of payment of royalties;

(d) prescribing formulas to determine royalty rates and royalties;

(e) authorizing the minister, by methods prescribed in the regulations, to estimate and set prices for oil and gas to be used in formulas to determine royalty rates;

(f) respecting the determination of allowances, credits or other deductions that may be made or taken in calculating the royalties payable under Crown leases;

(g) providing that the price to be used in calculating a royalty may be a price other than the price that has been or will be received for the mineral, including:

(i) a price equal to a fair market value of the mineral;

(ii) where the price is respecting natural gas, an average price;

(iii) a minimum price determined in the manner specified in the regulations;

(iv) a price determined by including other amounts that have been or will be received;

(v) a price determined by deducting fees, charges or other factors specified in the regulations;

(h) authorizing the minister to determine, estimate, establish, approve or authorize:

(i) factors, allowances, allocations, fees, charges, credits, deductions, exemptions, methods of payment, periods, due dates, the applicable prescribed royalty rates, values, prices and any other component to be used in the assessment, calculation and payment of royalties; and

(ii) any formula, method of calculation, form or method of payment or period to be used in the assessment, calculation or payment of a royalty, including for the purposes of clauses (e) and (g) and subclause (i), a price published or set by a third party and any amendments to the price set by the third party from time to time;

(i) respecting remedies available to the minister to collect unpaid rents, royalties or other amounts owing pursuant to this Act, the regulations or a Crown disposition, including:

(i) providing that unpaid amounts constitute a lien or other charge in favour of the Crown in priority to all other claims, interests and encumbrances;

(ii) providing that the person liable to pay the unpaid amounts is deemed to hold the unpaid amounts in trust for the Crown, in priority to all other claims, interests and encumbrances;

(iii) providing for the realization by the minister of the lien, charge or trust in favour of the Crown;

(j) authorizing the minister to require reports from any person respecting any matter necessary to determine the amount of a royalty;

(k) determining who is required to pay royalties;

(l) requiring operators of wells and mines to act as agents of the Crown in the collection and remitting of royalties.

(2) Without restricting the generality of subsections (1) and (1.1), the Lieutenant Governor in Council may make regulations to preserve, vary or modify any of the rights, interests, duties or obligations under a Crown disposition outstanding at the time this Act comes into force to the same extent and with the same force and effect as if the Crown disposition had been issued under this Act.

(3) Any regulation made from time to time pursuant to clause (1.1)(c), (d), (e), (f), (g) or (h) may be made retroactive to, and in such case shall have full force and effect on, from and after the date specified in the regulations, which date shall not be earlier than a date which is one year prior to the date on which it is made.

1984-85-86, c.C-50.2, s.22; 1990-91, c.13, s.4; 1992, c.25, s.9; 1993, c.T-20.1, s.4; 1995, c.18, s.5; 2007, c.23, s.3; 2010, c.F-22.11, s.62 and c.9, s.18.

Regulations prevail over agreements, etc.

22.1(1) Notwithstanding anything contained in:

(a) an agreement for unit operation; or

(b) a unit operation order made pursuant to *The Oil and Gas Conservation Act*;

whether made before or after the coming into force of this section, the royalties payable with respect to production from the unit shall be determined and calculated in accordance with the regulations and, if the regulations conflict or are inconsistent with the unit agreement or unit operation order, the regulations prevail.

(2) Notwithstanding anything contained in a Crown lease, whether issued before or after the coming into force of this section, the rents and royalties payable with respect to a Crown lease or a Crown mineral shall be determined and calculated in accordance with the regulations and, if the regulations conflict or are inconsistent with the Crown lease, the regulations prevail.

1990-91, c.13, s.5; 1992, c.25, s.10.

PART IV
Crown-Acquired Lands

Previously acquired oil and gas rights

23(1) In this section and in section 22:

(a) **"acquired oil and gas rights"** means the oil and gas rights that were vested in the Crown in right of Saskatchewan by virtue of section 27 of *The Oil and Gas Conservation, Stabilization and Development Act*;

(b) **"lease"** includes:

(i) a *profit-à-prendre* or agreement giving the right to take any of the acquired oil and gas rights with respect to which a caveat has been filed; or

(ii) an interest in a *profit-à-prendre* or agreement mentioned in subclause (i);

(c) **"lessee"** means, for purposes of subsections (10) to (12), the lessee pursuant to a lease that was associated with acquired oil and gas rights immediately before the vesting of those rights in the Crown in right of Saskatchewan;

(d) **"oil and gas rights"** includes any share or interest in oil and gas rights;

(e) **"owner"** means the person who had an estate in fee simple in oil and gas rights that were vested in the Crown in right of Saskatchewan by virtue of section 27 of *The Oil and Gas Conservation, Stabilization and Development Act* immediately before the vesting of those rights in the Crown in right of Saskatchewan.

(2) All oil and gas rights acquired by the Crown under section 27 of *The Oil and Gas Conservation, Stabilization and Development Act* are held in fee simple from January 1, 1974, and subject to such encumbrances, liens, estates or interests as were endorsed on the certificate of title thereto under *The Land Titles Act* on December 10, 1973, absolutely free from all other encumbrances, liens, estates or interests whatever and the lessee or other person having an interest shall continue to enjoy the benefits thereof subject to:

(a) the fulfillment of any terms or conditions attached thereto;

(b) the payment of royalties in kind when requested by the minister; and

(c) compliance with all regulations applicable to such interests heretofore or hereafter enacted under *The Oil and Gas Conservation Act*.

(3) The owner of oil and gas rights acquired by the Crown under *The Oil and Gas Conservation, Stabilization and Development Act* who has leased the oil and gas rights to another person shall be entitled to compensation as hereinafter set forth:

(a) compensation payable hereunder shall be based on the owner's royalty interest in the oil and gas rights as set out in any lease or disposition of the oil and gas rights expressed as his share of the remaining proven recoverable reserves based on determinations made by the minister;

(b) the compensation payable hereunder shall be an amount:

(i) in the case of oil rights, calculated by applying the appropriate value per unit set out in subsection (7) to his share of the proven recoverable reserves; or

(ii) in the case of gas rights, calculated by applying the well-head price in effect on December 10, 1973 or, where no well-head price was established, on the average of well-head prices in the pool in which the producing tract is located or if the producing tract is not located in a pool, in the nearest producing pool of similar characteristics on the said date to his share of the remaining proven recoverable reserves determined in accordance with clause (a);

(c) payment of compensation shall be made in the following manner at the option of the person entitled to compensation under this Act:

(i) by the issue of a royalty trust certificate providing the owner with a royalty for the remaining producing life of the well or wells producing the recoverable reserves in the relevant producing tract. The royalty shall be determined on the production taken from the producing tract and at the royalty established in the lease and at the appropriate unit value used to determine the compensation payable in clause (b); or

(ii) by a lump-sum payment based on the amount of compensation determined in accordance with clause (b) discounted by a factor equivalent to the Bank of Canada prime lending rate as at December 10, 1973, applied to a period determined by the minister.

(4) The owner of oil and gas rights acquired by the Crown under *The Oil and Gas Conservation, Stabilization and Development Act* who has not leased the oil and gas rights to another person shall be entitled to compensation as hereinafter set forth:

(a) payment of compensation shall be made in the following manner at the option of the person entitled to compensation hereunder:

(i) by the issue of a royalty trust certificate providing the owner with a royalty for the remaining producing life of the well or wells producing the recoverable reserves in the relevant producing tracts. The royalty shall be determined on the production taken from the producing tract and at the appropriate royalty rate established under provisions of *The Petroleum and Natural Gas Regulations, 1969*, as they existed on January 1, 1974, and:

(A) in the case of oil rights, at the appropriate unit value of remaining recoverable reserves set out in subsection (7); or

(B) in the case of gas rights, at the well-head price in effect on December 10, 1973 or, where no well-head price was established, on the average of well-head prices in the pool in which the producing tract was located or if the producing tract is not located in a pool in the nearest producing pool of similar characteristics on the said date;

(ii) by a lump sum payment where the minister shall determine the share of the remaining proven recoverable reserves on which compensation is to be made and shall determine the value thereof in the same manner as set out in clause (3)(b) and discounted in the same manner as set out in subclause (3)(c)(ii).

(5) There shall be deducted from the compensation payable any taxes owing and any amount outstanding with respect to any encumbrance registered against the title to the oil and gas rights on December 10, 1973, or protected by a caveat filed on or before the said date.

(6) The determination by the minister of:

(a) the remaining proven recoverable reserves of oil and gas under clause (3)(a); and

(b) the period to be determined under subclause (3)(c)(ii);

shall be final and conclusive and shall not be reviewable by any court of law or by any certiorari, mandamus, prohibition, injunction or other proceeding whatever.

(7) For the purposes of clauses (3)(b) and (4)(a), the values per unit shall be as follows:

Lloydminster area	$18.248 per cubic metre of heavy crude oil
Kindersley-Kerrobert area	$19.947 per cubic metre of heavy crude oil $23.345 per cubic metre of light crude oil
Swift Current area	$20.198 per cubic metre of medium crude oil
Weyburn-Estevan area	$21.771 per cubic metre of medium crude oil $23.911 per cubic metre of light crude oil

(8) Where no lease exists in respect of oil and gas rights acquired by the Crown under *The Oil and Gas Conservation, Stabilization and Development Act*, the minister shall issue to the owner a lease under *The Petroleum and Natural Gas Regulations, 1969*, as amended or substituted from time to time, allowing continuation of production.

(9) The minister may acquire by way of purchase or surrender any lease affecting oil and gas rights acquired by the Crown under *The Oil and Gas Conservation, Stabilization and Development Act* on such terms as may be agreed on.

(10) Notwithstanding subsection (2), the lessee respecting acquired oil and gas rights is not required to determine and pay royalties to the Crown in accordance with the lease that was associated with the acquired oil and gas rights immediately before the vesting of those rights in the Crown in right of Saskatchewan, but is required to determine and pay royalties to the Crown in accordance with the regulations as if the lease was a Crown lease issued pursuant to this Act.

(11) Before the expiry of the term of a lease respecting acquired oil and gas rights, the lessee may apply to the minister, in accordance with any regulations made for the purposes of this section, to convert to a Crown lease that portion of the lease that relates to acquired oil and gas rights.

(12) On an application pursuant to subsection (11), the minister may issue to the lessee a Crown lease with respect to the oil and gas rights mentioned in subsection (11) in accordance with any regulations made for the purpose of this subsection.

(13) Subject to clause 23.1(9)(c), the conversion of a lease of acquired oil and gas rights to a Crown lease pursuant to subsections (11) and (12) does not affect the entitlement of the owner to compensation in accordance with this section.

1984-85-86, c.C-50.2, s.23; 1990-91, c.13, s.6; 1992, c.25, s.11; 2007, c.23, s.4; 2009, c.5, s.7.

Compensation limited

23.1(1) In this section, **"production year"** means:

(a) the period commencing on February 1, 1990 and ending on March 31, 1991; or

(b) any period commencing on April 1, 1991 or any subsequent year and ending on March 31 in the year next following.

(2) Notwithstanding section 23, on and after the coming into force of this section, the maximum compensation payable to any person pursuant to section 23 or *The Oil and Gas Conservation, Stabilization and Development Act* for all oil and gas rights acquired by the Crown pursuant to this Act or *The Oil and Gas Conservation, Stabilization and Development Act* is $50,000 per production year.

(3) If, in any production year, a person would have been entitled pursuant to section 23 or *The Oil and Gas Conservation, Stabilization and Development Act* to compensation in excess of $50,000:

(a) the right of that person to the amount in excess of $50,000 is extinguished on the coming into force of this section; and

(b) that person is not entitled to claim the amount in excess of $50,000 in any subsequent production year, even if the compensation payable to that person with respect to the subsequent production year is less than $50,000.

(4) Subsections (2) and (3) apply whether or not the person:

(a) is:

(i) the person from whom the oil and gas rights were acquired; or

(ii) the transferee, assignee, heir, executor or administrator of the person mentioned in subclause (i); or

(b) has any obligation relating directly or indirectly to, or arising out of, the oil and gas rights mentioned in subsection (2) to pay any amount to any other person.

(5) On and after the coming into force of this section, where a person entitled to compensation pursuant to section 23 or *The Oil and Gas Conservation, Stabilization and Development Act* transfers or relinquishes, voluntarily or involuntarily, the right to that compensation, the transfer or relinquishment extinguishes:

(a) the obligation of the Crown to pay the compensation to that person or any person claiming through that person; and

(b) the right of that person or any person claiming through that person to claim the compensation.

(6) Subject to subsection (7), subsection (5) does not apply to the transfer to one transferee of a person's entire right to the total amount of compensation to which the person is entitled.

(7) The total compensation payable to a transferee mentioned in subsection (6) with respect to:

(a) the right to compensation described in subsection (6); and

(b) any other rights of the transferee to compensation pursuant to section 23 or *The Oil and Gas Conservation, Stabilization and Development Act*;

shall not exceed $50,000 per production year.

(8) On and after the coming into force of this section, when a lease described in subsection (9) expires, is cancelled or for any other reason is terminated:

(a) the right of any person to compensation with respect to the oil and gas rights covered by the lease is extinguished; and

(b) the obligation of the Crown to pay compensation is extinguished, even if the oil and gas rights covered by the lease are subsequently disposed of pursuant to this Act and the regulations.

(9) Subsection (8) applies to every lease with respect to oil and gas rights mentioned in subsection (2) that:

(a) was in existence at the day of acquisition of the oil and gas rights by the Crown;

(b) was issued pursuant to subsection 23(8) or section 34 of *The Oil and Gas Conservation, Stabilization and Development Act*; or

(c) if subsections 23(11) and (12) apply to the lease, was a Crown lease issued pursuant to subsection 23(12).

(10) Notwithstanding any other Act or law, no person has a right of action against the Crown or any past or present minister, officer, agent or employee of the Crown for:

(a) the recovery of compensation pursuant to section 23 or *The Oil and Gas Conservation, Stabilization and Development Act* in excess of the maximum amount set out in this section; or

(b) any rights to compensation extinguished by this section.

1990-91, c.13, s.7; 2007, c.23, s.5.

Registration directed by minister

23.11(1) In this section and in section 23.2:

(a) **"registered"** means registered as defined in *The Land Titles Act, 2000*;

(b) **"Registrar"** means the Registrar as defined in *The Land Titles Act, 2000*.

(2) The minister may, by order, direct the Registrar to issue a new title, register an interest against a title, or amend a title or an interest, as the case may require, to register the transfer to and vesting of the oil and gas rights in the Crown where:

(a) oil and gas rights were transferred to and vested in Her Majesty in right of Saskatchewan pursuant to *The Oil and Gas Conservation, Stabilization and Development Act*; and

(b) either:

(i) no title was issued, or no interest was registered against title, as the case may require, to register the transfer to and vesting of the oil and gas rights in the Crown; or

(ii) a new title was issued, or an interest was registered against a title and, in the opinion of the minister, the title or interest requires an amendment.

(3) On the filing of an order pursuant to subsection (2), the Registrar shall issue a new title, register an interest against a title, or amend a title or interest, as the case may require, in accordance with the order.

(4) Oil and gas rights are deemed not to have been transferred to and vested in the Crown pursuant to *The Oil and Gas Conservation, Stabilization and Development Act* where, on and from a prescribed day, the transfer and vesting has not been registered by the issuance of a new title, the registration of an interest against a title, or the amendment of a title or an interest.

2000, c.L-5.1, s.239.

Transfer to trust certificate holder of title to trust lands

23.2(1) In this section and in sections 23.3 to 23.9:

(a) **"administrator"** means the officer of the ministry appointed by the minister as Administrator of Mineral Rights;

(b) **"trust certificate"** means a document evidencing a trust where:

(i) the subject-matter of the trust is trust lands;

(ii) title to the trust lands is registered in the name of the Crown;

(iii) the beneficial owner of the trust lands is not the Crown; and

(iv) the Crown acts as trustee, whether or not the document evidencing the trust names the Crown as trustee;

but does not include a royalty trust certificate issued pursuant to section 23 or a gross royalty trust certificate;

(c) **"trust certificate holder"** means a person who is:

(i) named in a trust certificate as a trust member, or the lawful heirs, executors, administrators or assigns of a trust member; and

(ii) the owner of the beneficial interest in the trust lands;

(d) **"trust lands"** means the mineral interest described in a trust certificate.

(2) Subject to subsection (3), where the minister is satisfied as to the ownership of a trust certificate, the minister may:

(a) in the prescribed manner;

(b) with or without the consent of the trust certificate holder; and

(c) notwithstanding anything contained in the trust certificate;

transfer to the trust certificate holder the title to the trust lands.

(3) Where trust lands are contained in a subsisting disposition issued pursuant to this Act, the minister shall not transfer the title to those trust lands pursuant to subsection (2) unless the consent of each person named in the disposition is first obtained.

(4) Notwithstanding subsection (3), the minister may transfer the title to trust lands without the consent of a person named in the disposition where the minister considers it appropriate to do so.

(5) On the registration of the transfer of the title to trust lands pursuant to this section, the trust terminates without further act.

1990-91, c.13, s.7; 2010, c.9, s.20; 2015, c.21, s.64.

Minister to deal with trust lands

23.3 Where:

(a) the minister is unable to locate a trust certificate holder;

(b) the consents required pursuant to subsection 23.2(3) for the transfer of the title to the trust lands to the trust certificate holder have not been obtained; or

(c) a person claiming to be a trust certificate holder is unable to prove to the satisfaction of the minister that the person is a trust certificate holder;

the minister may deal with and administer the trust lands as if they were Crown mineral lands and may dispose of the trust lands in accordance with this Act and the regulations.

1990-91, c.13, s.7.

Allocation to trust certificate holder

23.4(1) The administrator shall allocate to the trust certificate holder all:

(a) proceeds from the disposition; and

(b) revenues derived from the administration;

of trust lands pursuant to section 23.3.

(2) The administrator shall deduct from any allocation to the trust certificate holder all prescribed fees, charges or expenditures.

1990-91, c.13, s.7.

Application by trust certificate holder

23.5(1) Subject to section 23.6, the trust certificate holder may apply to the administrator in accordance with the regulations:

(a) to have the title to the trust lands transferred to the trust certificate holder; and

(b) to receive payment of the difference between:

(i) the total of:

(A) the total of all amounts allocated to the trust certificate holder pursuant to subsection 23.4(1); and

(B) interest at the prescribed rate and calculated in the prescribed manner with respect to the amount by which:

(I) the total amount determined pursuant to paragraph (A);

exceeds:

(II) the total amount determined pursuant to subclause (ii); and

(ii) the total of all prescribed fees, charges and expenditures deducted from any allocation to the trust certificate holder pursuant to subsection 23.4(2).

(2) No trust certificate holder is entitled to a mineral interest or proceeds from the disposition or administration of a mineral interest that is greater than the trust certificate holder's share of the beneficial interest in the trust lands as evidenced in the trust certificate.

1990-91, c.13, s.7.

Vesting in the Crown

23.6(1) Where a search has been conducted by the minister for a trust certificate holder and 10 years have elapsed after the completion of the search and:

(a) the trust certificate holder has not made an application pursuant to section 23.5; or

(b) a person claiming to be a trust certificate holder is unable to prove to the satisfaction of the minister that the person is a trust certificate holder;

all right, title and interest of the trust certificate holder in the trust lands or in amounts allocated to the trust certificate holder vest in and become the property of the Crown on the expiry of the 10-year period without further act.

(2) Notwithstanding any other Act or law, on the vesting in the Crown of the right, title and interest of the trust certificate holder in the trust lands or in amounts allocated to the trust certificate holder:

(a) the right, title and interest of the trust certificate holder in the trust lands and in amounts allocated to the trust certificate holder pursuant to section 23.4 is extinguished, both at law and in equity as if the right, title or interest had never existed;

(b) no claim may be made and no action or proceeding commenced or continued by or on behalf of the trust certificate holder with respect to that right, title or interest; and

(c) any trust created at law or in equity with respect to the trust lands or any amounts allocated to the trust certificate holder that are derived from the trust lands, whether before or after the coming into force of this section, is terminated without further act.

1990-91, c.13, s.7.

Administrator to determine questions

23.7 The administrator may determine all questions with respect to the interpretation and application of sections 23.2 to 23.6 including, without limiting the generality of the foregoing:

(a) whether a document is a trust certificate;

(b) whether a person is a trust certificate holder;

(c) whether lands are trusts lands;

(d) whether title to trust lands may be transferred to a trust certificate holder, including:

(i) whether the consents required pursuant to subsection 23.2(3) have been obtained; and

(ii) whose consents are required pursuant to subsection 23.2(3);

(e) whether a trust is terminated pursuant to subsection 23.2(5) or 23.6(2);

(f) the amount of any payment that a trust certificate holder may be entitled to receive pursuant to section 23.5;

(g) whether the period mentioned in subsection 23.6(1) has elapsed;

(h) for the purposes of clause 23.6(1)(a), when a search has been completed;

(i) where there is multiple ownership of a trust certificate, which name shall appear on the title to the trust lands.

1990-91, c.13, s.7; 1992, c.25, s.13; 2000, c.L-5.1, s.240.

Exemption and non-liability re certain acts omissions

23.8(1) *The Trustee Act, 2009* does not apply to anything done or omitted to be done or to any rights, obligations or interests dealt with by or pursuant to sections 23.2 to 23.7.

(2) Notwithstanding any other Act or law;

(a) the Crown and the ministers, officers, agents and employees of the Crown; and

(b) any other person who has acted as a trustee pursuant to a trust certificate or has been named as a trustee in a trust certificate;

shall not be liable to a trust certificate holder for anything done or omitted to be done, before or after the coming into force of this section, with respect to any matter that is in any way related to the trust, the trust lands or to sections 23.2 to 23.7, including, without limiting the generality of the foregoing:

(c) negligence with respect to the exercise of any powers or the performance of any duties as trustee or administrator of trust lands or amounts allocated to trust certificate holders; and

(d) the substitution of trustees and the transfer and acceptance of trustee obligations.

1990-91, c.13, s.7; 2009, c.T-23.01, s.64.

Regulations

23.9 The Lieutenant Governor in Council may make regulations:

(a) respecting the manner of transferring title to trust lands to trust certificate holders;

(b) respecting the administration and disposal of trust lands pursuant to section 23.3;

(c) prescribing and governing:

(i) fees;

(ii) charges for activities carried out pursuant to sections 23.2 to 23.7; and

(iii) expenditures incurred pursuant to sections 23.2 to 23.7;

that may be deducted from any allocation to a trust certificate holder pursuant to subsection 23.4(2);

(d) for the purposes of paragraph 23.5(1)(b)(i)(B), prescribing and governing interest rates and the manner of calculating interest;

(e) respecting applications pursuant to section 23.5.

1990-91, c.13, s.7.

PART V
Offences and Penalties

Penalties re returns, etc.

24(1) Every person who fails to deliver any return, notice or other document that he is required to deliver under this Act or the regulations is liable for and shall pay to the minister a penalty of:

(a) in the case of any return required by the regulations to be submitted with the royalty or royalties excepted and reserved to the Crown pursuant to this Act and the regulations, $50 for each day after the day on which he was required to deliver the return; or

(b) in any other case, $10 for each day after the day on which he was required to deliver the return, notice or other document;

unless the minister has waived the penalty or fixed a lesser amount in respect of any particular failure.

(2) Every person who has failed to complete any information required on any return, notice or other document that he is required to deliver under this Act is liable for and shall pay to the minister a penalty of:

(a) in the case of any return required by the regulations to be submitted with the royalty or royalties excepted and reserved to the Crown pursuant to this Act and the regulations, $50 for each day after the day on which he delivered the return until the day upon which complete information is delivered to the minister; or

(b) in any other case, $10 for each day after the day on which he delivered the return, notice or other document until the day on which complete information is delivered to the minister;

unless the minister has waived the penalty or fixed a lesser amount in respect of any particular failure.

1984-85-86, c.C-50.2, s.24.

Offences

25(1) No person shall:

(a) contrary to this Act or the regulations, explore or prospect for or extract, recover or produce any Crown mineral, or operate any mine or well;

(b) make a false statement or provide false information to the minister, the ministry or any person acting on behalf of the minister;

(c) omit to state a fact that is required to be stated or that is necessary to make a statement not misleading in light of the circumstances in which it was made to the minister, the ministry or any person acting on behalf of the minister;

(d) contrary to this Act or the regulations, alter or deface, remove or destroy any post, stake, boundary line, figure, writing or other mark lawfully placed, standing or made pursuant to this Act or the regulations;

(e) fraudulently mark or stake out in whole or in part a Crown disposition area;

(f) fail to comply with an order of the minister issued pursuant to this Act or the regulations;

(g) obstruct or interfere with an officer of the ministry carrying out the officer's duties pursuant to this Act; or

(h) fail to comply with any provision of this Act or the regulations.

(2) Every person who contravenes a provision of this Act or the regulations is guilty of an offence and liable on summary conviction to:

(a) in the case of an individual:

(i) a fine not exceeding $5,000; and

(ii) in the case of a continuing offence, a further fine of $200 for each day or part of a day during which the offence continues;

(b) in the case of a body corporate:

(i) a fine not exceeding $25,000; and

(ii) in the case of a continuing offence, a further fine of $1,000 for each day or part of a day during which the offence continues.

(3) Every director, officer or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in an act or omission of the corporation that would constitute an offence by the corporation is guilty of that offence and is liable on summary conviction to the penalties provided for that offence whether or not the corporation has been prosecuted or convicted.

2010, c.9, s.22.

Minister may apply for order enjoining non-compliance

25.1(1) The minister may apply to a judge of the Court of Queen's Bench for an order enjoining any person from proceeding contrary to this Act, the regulations or an order issued pursuant to this Act or the regulations.

(2) On an application pursuant to this section, the judge of the Court of Queen's Bench may make the order requested or any other order that the judge considers appropriate on any terms and conditions that the judge considers appropriate.

2010, c.9, s.22.

Limitation of prosecution

26 No prosecution for an offence under this Act or the regulations or orders made hereunder shall be commenced more than one year after the date on which the offence is alleged to have been committed.

1984-85-86, c.C-50.2, s.26.

Prosecution no bar to civil remedy

27 No prosecution for an offence under this Act or the regulations or orders made hereunder shall relieve the person prosecuted from any civil action for damages at the suit of a person who has suffered damage, loss or injury in consequence of the offence.

1984-85-86, c.C-50.2, s.27.

Artificial reduction of royalty

27.1(1) If, in the opinion of the minister, the result of one or more acts, agreements, arrangements, transactions or operations is to unduly or artificially reduce the liability for royalty payments under this Act, the minister may calculate the royalty as if the act, agreement, arrangement, transaction or operation had not occurred.

(2) For the purposes of subsection (1), the minister may estimate the amount of royalty that would have been payable had the act, agreement, arrangement, transaction or operation not occurred.

1992, c.25, s.14.

PART VI
Lease of Spaces

Lease of spaces

27.2(1) In this section, **"spaces"** means the spaces occupied or formerly occupied by a Crown mineral.

(2) Notwithstanding the terms or conditions of any Crown lease, all spaces are the property of the Crown and remain the property of the Crown whether or not a Crown lease is issued for the Crown mineral within the space and whether or not the Crown mineral is produced, recovered or extracted from the space.

(3) The minister may enter into agreements to lease spaces.

(4) An agreement entered into pursuant to subsection (3) may be for any period and contain any terms and conditions that the minister considers appropriate.

(5) All agreements to lease spaces that were made by the minister before, on or after the coming into force of this section are ratified and confirmed.

1992, c.25, s.14.

PART VII
Crown Minerals Electronic Registry

Interpretation

27.3 In this Part:

(a) **"certificate of boundary confirmation"** means the certificate issued by the minister pursuant to clause 27.39(2)(b);

(b) **"Controller of Surveys"** means the Controller of Surveys appointed pursuant to *The Land Surveys Act, 2000*;

(c) **"Crown disposition"** includes a legacy disposition;

(d) **"electronic"** means created, recorded, transmitted or stored in digital or other intangible form by electronic, magnetic or optical means or by any other similar means;

(e) **"electronic parcel mapping system"** means an electronic parcel mapping system established pursuant to the regulations;

(f) **"electronic signature"** means information in electronic form that a person has created or adopted in order to sign an instrument and that is incorporated in, attached to or associated with the instrument;

(g) **"implementation date"** means, with respect to a Crown mineral or class of Crown minerals, the prescribed date on which this Part or any provision of this Part applies to that Crown mineral or class of Crown minerals;

(h) **"instrument"** means any information, document, notice or other matter that may be registered pursuant to this Part;

(i) **"legacy disposition"** means a Crown disposition issued:

(i) before the implementation date; or

(ii) after the implementation date if an application for the Crown disposition that is satisfactory to the minister was received by the minister before the implementation date;

(j) **"mineral disposition parcel"** means a parcel of Crown mineral lands that has a boundary that meets the prescribed requirements;

(k) **"mineral disposition survey"** means a survey of a mineral disposition parcel conducted in accordance with *The Land Surveys Act, 2000*;

(l) **"registered"** means registered in the registry;

(m) **"registry"** means the Crown minerals electronic registry established pursuant to subsection 27.33(1).

2010, c.9, s.25.

Implementation date and application

27.31 The Lieutenant Governor in Council may, in the regulations, prescribe an implementation date for Crown minerals or classes of Crown minerals on and after which this Part, or any prescribed provision of this Part, applies to the Crown minerals or the classes of Crown minerals.

2010, c.9, s.25.

Electronic instrument

27.32(1) Subject to section 27.54, any instrument to which this Part applies shall not be denied legal effect or enforceability solely by reason that it is in an electronic form.

(2) A requirement pursuant to this Act or the regulations that any application or instrument be in writing is satisfied if the application or instrument:

(a) is in an electronic form or format approved by the minister;

(b) if required by the minister or the regulations, includes an electronic signature; and

(c) is accessible so as to be retained and used for subsequent reference.

2010, c.9, s.25.

Crown minerals electronic registry

27.33(1) The Crown minerals electronic registry is established.

(2) The minister shall maintain the registry for the purposes of administering Crown minerals and Crown mineral lands in accordance with this Part.

(3) The registry consists of all instruments that are registered or are deemed to be registered.

(4) The registry is to be used in the manner set out in this Act.

(5) The registry is a public registry of the people of Saskatchewan.

(6) All information in the registry is the property of the Government of Saskatchewan.

(7) Access to and disclosure of information in the registry is to be provided only in accordance with this Act.

2010, c.9, s.25.

Requirements, rules and procedures re registry

27.34(1) Subject to the regulations, the minister may:

(a) establish requirements for supporting evidence that must be supplied to submit an application or register an instrument and the form and format in which the supporting evidence must be supplied;

(b) establish requirements, rules and procedures:

(i) to verify the identity of the person who created or submitted an application or an instrument;

(ii) to verify the authority of that person to create or submit an application or an instrument; and

(iii) respecting the electronic signature on an application or an instrument, including the verification of the signature and the method of making the signature;

(c) establish any requirement in order to ensure proper functioning of the registry; and

(d) require a registration to be made electronically in accordance with the regulations.

(2) Every person who submits an application or submits an instrument for registration shall comply with:

(a) the prescribed requirements; and

(b) the requirements established by the minister pursuant to this section.

(3) Subject to subsection (4), an electronic application or electronic instrument is deemed to be submitted to the minister for the purposes of this Part when the application or instrument is entered electronically into the registry using the technology determined by the minister.

(4) An electronic application or electronic instrument is deemed to be submitted to the minister pursuant to subsection (3) only if the prescribed requirements and the requirements established by the minister pursuant to this section are complied with.

2010, c.9, s.25.

Registration of Crown dispositions

27.35(1) The minister shall register a Crown disposition granting rights to or interests in Crown minerals for which an implementation date has been prescribed:

(a) subject to clause (b), on the date it is issued; or

(b) in the case of a legacy disposition that is issued before the implementation date, on the implementation date.

(2) In the case of a legacy disposition with a boundary that, on the date of its registration, does not meet the prescribed requirements for a mineral disposition parcel, the minister shall:

(a) create an electronic representation of the area described in the legacy disposition that shows the spatial extent of the disposition; and

(b) record the electronic coordinates of the area described in the legacy disposition into the registry.

(3) All information, documents, notices or other matters that are recorded by the ministry against a legacy disposition, that are on the files of the ministry on the implementation date and that would have been an instrument if they had been registered on or after the implementation date are continued as instruments and may be dealt with as instruments as if they had been registered in accordance with this Part.

(4) Notwithstanding any other Act or law or anything contained in the information, documents, notices or other matters that are recorded by the ministry against a legacy disposition, all information, documents, notices or other matters that are recorded by the ministry against a legacy disposition, that are on the files of the ministry on the implementation date and that would not have been an instrument if they had been submitted on or after the implementation date are deemed not to be registered against the legacy disposition.

2010, c.9, s.25.

Continuation of legacy dispositions

27.36 Subject to section 27.38, a legacy disposition continues as a legacy disposition, including all rights of conversion, until it expires or is cancelled, surrendered or otherwise terminated.

2010, c.9, s.25.

Issuance of Crown dispositions

27.37(1) Subject to subsection (2), a Crown disposition may only be issued with respect to a mineral disposition parcel.

(2) Subsection (1) does not apply to a legacy disposition that is issued after the implementation date.

2010, c.9, s.25.

Alteration of boundary

27.38 A Crown disposition shall not be amended to allow any alteration of a boundary, unless the boundary as altered meets the prescribed requirements for a mineral disposition parcel.

2010, c.9, s.25.

Adoption of electronic mapping for legacy dispositions

27.39(1) In this section:

(a) **"confirmation date"** means, with respect to a Crown mineral or class of Crown minerals, the prescribed date on which this section applies to the Crown minerals or class of Crown minerals;

(b) **"non-conforming legacy disposition"** means a legacy disposition the boundary of which does not, as of the date of its registration, meet the prescribed requirements for a mineral disposition parcel.

(2) At any time before the confirmation date for the Crown mineral or class of Crown minerals that is the subject of a non-conforming legacy disposition, the boundary of the non-conforming legacy disposition may be confirmed by:

(a) a mineral disposition survey satisfactory to the Controller of Surveys; or

(b) a certificate of boundary confirmation issued by the minister.

(3) A certificate of boundary confirmation may not be revoked.

(4) On the confirmation date for the Crown mineral or class of Crown minerals that is the subject of a non-conforming legacy disposition, if the boundary of the non-conforming legacy disposition has not been previously confirmed pursuant to subsection (2), the legacy disposition is deemed to have its boundary confirmed as shown in the registry on that date.

(5) After the date the boundary of a non-conforming legacy disposition is confirmed, if there is a difference between the electronic coordinates of a non-conforming legacy disposition as registered and the boundary of the non-conforming legacy disposition as determined by the regulations in force before the implementation date, the electronic coordinates in the registry prevail.

2010, c.9, s.25.

Priority

27.4 Subject to the regulations, if, as a result of the boundary confirmation process in section 27.39, there is an overlap between the descriptions contained in Crown dispositions, the description contained in the Crown disposition that was issued first prevails to the extent of that overlap.

2010, c.9, s.25.

Release

27.41 Notwithstanding any other term of a Crown disposition or any other Act or law, every Crown disposition is deemed to include a term that the holder releases the Crown from any claims resulting from any loss or damage respecting the Crown disposition arising out of:

(a) the boundary confirmation process conducted pursuant to section 27.39; or

(b) the application of section 27.4.

2010, c.9, s.25.

Mineral disposition survey

27.42(1) At any time after the implementation date, the minister may order the holder of a Crown disposition to conduct a mineral disposition survey, or any other type of survey that the minister determines appropriate, to establish the boundary of a Crown disposition where the boundary of the Crown disposition is not defined by a plan of survey approved by the Controller of Surveys.

(2) If the boundary of a Crown disposition that is to be surveyed pursuant to subsection (1) is shared by two or more disposition holders, the cost of the mineral disposition survey shall be borne equally by the parties sharing the common boundary.

2010, c.9, s.25.

Instructions

27.43(1) The Controller of Surveys may issue instructions respecting the requirements for the conduct of mineral disposition surveys.

(2) For the purposes of this section, the Controller of Surveys may:

(a) create different classes of Crown dispositions; and

(b) issue different instructions for different classes of Crown dispositions.

(3) Every person conducting a mineral disposition survey for the purposes of this Part shall comply with the instructions of the Controller of Surveys pursuant to this section.

2010, c.9, s.25.

Searching the registry

27.44 A person may search the registry in accordance with the regulations.

2010, c.9, s.25.

Crown disposition registrations

27.45(1) A person shall submit an application or instrument relating to a Crown disposition to the registry in accordance with the regulations.

(2) The minister may register against a Crown disposition any prescribed instrument.

(3) Unless otherwise provided in this Act or the regulations or required by law, no change to a Crown disposition that is required to be registered is effective until it is registered.

2010, c.9, s.25.

Refusal to register transfer or prescribed instrument

27.46(1) This section applies only to transfers and other prescribed instruments.

(2) The minister may refuse to register a transfer of a Crown disposition or any instrument against a Crown disposition if:

(a) in the case of a transfer, the transfer is not unconditional;

(b) in the case of a transfer, the transfer is made with respect to:

(i) an interest that is greater than the interest that the holder possesses;

(ii) an interest that is not a registered interest; or

(iii) a person who has no registered interest in the Crown disposition with respect to which the transfer is made;

(c) the transfer or instrument is not:

(i) executed in a manner that is satisfactory to the minister; or

(ii) accompanied by evidence of execution that is satisfactory to the minister;

(d) the prescribed fee is not paid;

(e) the holder, or the person who would become the holder on registration of the transfer or instrument, has not otherwise complied with this Act, the regulations or the terms or conditions of any Crown disposition affected by the transfer or instrument;

(f) it appears necessary to the minister to prevent:

(i) improper dealing; or

(ii) threatened or apprehended fraud;

(g) the minister considers it necessary to protect the proper operation of the registry; or

(h) the transfer or instrument is prohibited from registration for any other reason set out in this Act or that is prescribed.

(3) If a transfer or instrument is submitted for registration or executed by or on behalf of a trustee, receiver, receiver-manager, liquidator, executor, administrator, property guardian or other person acting in a similar capacity, the minister may refuse to register the transfer or instrument unless it is accompanied by one or more of the following:

(a) one or more orders of a court that:

(i) appoint or confirm the appointment of the trustee, receiver, receiver-manager, liquidator, executor, administrator, property guardian or other person acting in a similar capacity; and

(ii) authorize the transaction evidenced by the transfer or instrument;

(b) an indemnification in favour of the minister, the ministry and the employees, officers and agents of the ministry that is:

(i) in a form that is satisfactory to the minister; and

(ii) provided by a person who is satisfactory to the minister;

(c) in the case of a transfer, an order of the court vesting in the transferee the interest evidenced by the transfer.

(4) Notwithstanding any order of the court mentioned in subsection (3), in any case to which subsection (3) applies, the minister may refuse to register a transfer or instrument respecting a Crown disposition if the minister is not satisfied that a person affected by the transfer or instrument has complied with:

(a) this Act;

(b) the regulations; and

(c) the terms or conditions of the Crown disposition.

2010, c.9, s.25.

Restriction on or prohibition of access

27.47 If the minister is satisfied that a person has contravened a provision of this Act or the regulations, the minister may:

(a) restrict that person's access to the registry on any terms and conditions that the minister considers appropriate; or

(b) prohibit that person from accessing the registry.

2010, c.9, s.25.

Deletion from registry or correction of entry

27.48(1) The minister may:

(a) delete or correct an entry in the registry in accordance with the regulations; or

(b) delete or correct an entry in the registry if the registration does not comply with this Act or the regulations.

(2) If the minister deletes or corrects an entry, the minister shall give notice to the holder of the Crown disposition affected by the deletion or correction in accordance with the regulations.

(3) Every deletion or correction made pursuant to this section has the same validity and effect as if the defect, inconsistency, error or omission had not occurred.

2010, c.9, s.25.

Information in registry prevails

27.49 Subject to section 27.48, notwithstanding any other provision of this Act or any other Act or law, if there is a difference between electronic information in the registry and other information, the information in the registry prevails, whether or not the other information is contained in a document that contains an original signature or seal.

2010, c.9, s.25.

Suspending functions of registry

27.5(1) Notwithstanding any other provision of this Act or any other Act or law, if, in the opinion of the minister, it is not practical to provide one or more registry functions, the minister may, by order, suspend all or any registry functions for the period during which, in the opinion of the minister, those circumstances prevail.

(2) An order of the minister made pursuant to subsection (1):

(a) is to identify the registry functions that are being suspended and the time that the registry functions are suspended;

(b) is to be published, as soon as is reasonably possible after it is made, in any manner that the minister considers appropriate to bring the order to the public's attention, including publishing the order on the ministry's website; and

(c) may suspend registry functions as at a date not more than 30 days before the day on which the order is made.

(3) The minister may, by order, recommence all or any suspended registry functions, effective as at any time the minister considers appropriate.

(4) An order of the minister made pursuant to subsection (3):

(a) is to identify the registry functions that are being recommenced and the time that the registry functions are recommenced; and

(b) is to be published, as soon as is reasonably possible after it is made, in any manner that the minister considers appropriate to bring the order to the public's attention, including publishing the order on the ministry's website.

(5) Subject to subsection (6), an order made pursuant to this section comes into force on the day on which it is made.

(6) In the case of an order made pursuant to clause (2)(c), the order is deemed to have been in force on and from the date stated in the order.

(7) If there is any conflict between an order of the minister pursuant to this section and a provision of this Act, the regulations, other than regulations made pursuant to clause 27.56(q), or any other Act or law, the order of the minister prevails.

2010, c.9, s.25; 2015, c.21, s.17.

Minister may extend time limits

27.51(1) If the minister suspends all or any registry functions pursuant to section 27.5 on a day that a report or payment is due under the terms or conditions of a Crown disposition, the minister may extend a time or time limit mentioned in this Act or the disposition, whether or not the time or time limit has expired, for any period the minister considers reasonable to allow a further period for compliance.

(2) If a Crown disposition would have lapsed but for the extension of time granted pursuant to subsection (1), the minister may set aside the lapsing during the further period granted for compliance.

2010, c.9, s.25.

Limitation of liability

27.52(1) Notwithstanding any other Act or law, and without restricting the generality of section 21.3, no action or other proceeding lies or shall be commenced against the Crown, the minister, the ministry or any officer or any person appointed, retained or employed by the minister or the ministry for loss or damage suffered by a person because of:

(a) advice or any other assistance given by an agent or employee of the Government of Saskatchewan with respect to the operation of the registry, unless the person who brings the action proves that the agent or employee was not acting in good faith;

(b) processing time, during which an application or instrument has been submitted to the minister for registration but has not yet been registered; or

(c) any action taken or decision made respecting:

(i) the suspension or recommencement of registry functions pursuant to section 27.5;

(ii) a restriction or prohibition imposed pursuant to section 27.47; or

(iii) deleting or correcting an entry in the registry pursuant to section 27.48.

(2) Notwithstanding any other Act or law or any term in any Crown disposition, no person has a claim for compensation for any reason for any loss or damage suffered by a person as a result of the enactment or operation of section 27.39, 27.4 or 27.42.

2010, c.9, s.25.

Notice from minister

27.53(1) In this section, **"business day"** means a day other than a Saturday, Sunday or holiday.

(2) Any notice or information that the minister is required to give or serve pursuant to this Part or the regulations may be given or served:

(a) in paper form;

(b) on a person described in subsection (4), by being transmitted by electronic means; or

(c) in any prescribed manner.

(3) Unless otherwise provided in this Part or the regulations, any notice or information that the minister is required to give or serve pursuant to this Part or the regulations is deemed to have been received:

(a) five business days after it is sent if transmitted by electronic means; or

(b) 10 business days after it is sent if provided in paper form.

(4) Every person who submits an application or submits an instrument for registration:

(a) is deemed to have consented to receive any notice or information from the minister pursuant to this Part or the regulations by electronic means established by the minister; and

(b) shall provide the minister with the prescribed information to permit the minister to serve that person by electronic means.

2010, c.9, s.25.

Requirements for paper filing in certain circumstances

27.54(1) The minister may require specific information or types of information to be provided to the ministry in paper form.

(2) If the minister requires information to be provided in paper form pursuant to subsection (1), the minister shall give notice of the requirement in any manner that the minister considers appropriate to bring the requirement to the public's attention, including posting the requirement on the ministry's website.

2010, c.9, s.25; 2015, c.21, s.17.

Certified copies

27.55(1) A copy of a printed instrument in the registry that is certified by the minister in the prescribed manner is admissible in evidence as a true copy of the instrument without proof of the signature of the minister.

(2) A printout of an instrument kept in the registry is admissible in evidence as a true copy of the instrument without proof of the signature of the minister if the printout is:

(a) printed in accordance with the regulations; and

(b) certified by the minister in the prescribed manner.

(3) Every instrument certified by the minister in accordance with subsection (1) or (2) is admissible in evidence in all cases and for all purposes for which the instrument would have been admissible and with the same effect as if the instrument were produced.

2010, c.9, s.25.

Regulations

27.56 The Lieutenant Governor in Council may make regulations:

(a) for the purposes of section 27.31, respecting the application of this Part including:

(i) prescribing Crown minerals and classes of Crown minerals to which this Part is to apply;

(ii) prescribing an implementation date for Crown minerals or classes of Crown minerals, including prescribing different implementation dates for different Crown minerals or classes of Crown minerals; and

(iii) prescribing the provision or provisions of this Part that apply to a Crown mineral or a class of Crown minerals, as the case may be, on or after the implementation date for the Crown mineral or class of Crown minerals;

(b) for the purposes of section 27.32, prescribing requirements for instruments, including prescribing instruments for which an electronic signature is required;

(c) respecting the registry, including:

(i) prescribing requirements for supporting evidence that must be supplied to register an instrument;

(ii) prescribing terms and conditions governing access to and use of the registry, including prescribing persons who are eligible to use the registry to apply for a disposition, to submit a transfer or instrument or to search the registry;

(iii) prescribing the class or classes of applications or instruments that must be submitted or registered electronically;

(iv) prescribing requirements for applications or for instruments submitted for registration;

(v) respecting the manner of assigning the time of filing or submission of applications or instruments when the application or instrument is filed in an electronic format or directly submitted to the registry, and respecting the priority between applications and instruments;

(vi) respecting the transition from the prior Crown minerals and Crown mineral lands administrative system to the registry established by this Part;

(d) establishing one or more electronic parcel mapping systems, including adopting any electronic parcel mapping system;

(e) establishing mineral disposition parcels for which a Crown disposition may be issued and prescribing the method of electronically identifying the Crown mineral lands that are the subject of a Crown disposition;

(f) prescribing requirements for mineral disposition parcels;

(g) prescribing the methods and standards for determining the boundaries of Crown dispositions;

(h) respecting the issuance of boundary confirmation certificates;

(i) for the purposes of section 27.39, prescribing the confirmation dates for Crown minerals or classes of Crown minerals, including prescribing different confirmation dates for different Crown minerals or classes of Crown minerals;

(j) for the purposes of section 27.4, determining the priorities between overlapping descriptions in Crown dispositions;

(k) for the purposes of section 27.44, prescribing all matters relating to searches of the registry and the method of disclosure of registered information, including the form of a search result;

(l) for the purposes of section 27.45, prescribing all matters related to the registration of instruments in the registry, including:

(i) prescribing instruments that may be registered against a Crown disposition and, for that purpose, prescribing different instruments for different Crown minerals or classes of Crown minerals; and

(ii) governing the submission of instruments to the registry;

(m) for the purposes of section 27.46, prescribing instruments to which that section applies, including prescribing different instruments for different Crown minerals or classes of Crown minerals;

(n) prescribing fees respecting any matter or service respecting the registry;

(o) for the purposes of clause 27.46(2)(h), prescribing reasons for the prohibition of the registration of a transfer or instrument;

(p) for the purposes of section 27.48:

(i) governing the deletion or correction of an entry in the registry; and

(ii) governing the giving of notice to a holder of a Crown disposition affected by a deletion or correction of an entry in the registry;

(q) respecting the suspension of registry functions and the recommencement of registry functions, including:

(i) prescribing procedures, in addition to those set out in this Act, for suspending registry functions and recommencing registry functions; and

(ii) prescribing any other matter or thing the Lieutenant Governor in Council considers necessary respecting suspension of registry functions or recommencement of registry functions;

(r) for the purposes of subsection 27.53(2), prescribing other means of service;

(s) for the purposes of section 27.55, prescribing the manner of providing certified copies of instruments;

(t) prescribing the terms and conditions pursuant to which a holder of a Crown disposition may authorize an agent to act on the holder's behalf with respect to the matters related to the administration of the Crown disposition;

(u) respecting any other matter or requirement necessary or advisable to ensure the proper functioning of the registry;

(v) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to facilitate the conversion process and transfer of legacy dispositions to the registry pursuant to this Part;

(w) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

2010 c.9 s25.

PART VIII
Repeal and Coming into Force

R.S.S. 1978, c.M-16 repealed

28 *The Mineral Resources Act* is repealed.

1984-85-86, c.C-50.2, s.28.

Effect of repeal

29 Subject to section 17 of *The Mineral Resources Act, 1985*, but notwithstanding any other Act or law and notwithstanding the repeal of *The Mineral Resources Act* mentioned in section 28, any regulations made pursuant to *The Mineral Resources Act* remain in force and may be amended or repealed pursuant to this Act as if they had been made pursuant to this Act.

1984-85-86, c.C-50.2, s.29.

Coming into force

30 This Act comes into force on a day to be fixed by proclamation of the Lieutenant Governor.

1984-85-86, c.C-50.2, s.29.

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