

chapter M-13

MINING ACT

*Chapter M-13 is replaced by the Mining Act (chapter M-13.1). (1987, c. 64, s. 324).
1987, c. 64, s. 324.*

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SCHEDULE I**REPEAL SCHEDULE**

DIVISION I***INTERPRETATION***

1. *In this Act, unless the context otherwise requires, the following words and expressions respectively mean:*

(1) *“minerals” or “mineral substances” : all natural solid, liquid or gaseous mineral substances, and all fossilized organic matter;*

(2) *“ore” : a mineral substance in natural deposit of such size, composition and situation as to allow reasonable hope of extracting therefrom, at present or in the future, products which may be sold at a profit;*

(3) *“mining operation” : all the work whereby mineral substances are taken from the ground for the purpose of obtaining a commercial product therefrom or whereby an underground reservoir is used for the storage or permanent disposal of any mineral substance or of any industrial product or residue;*

(4) *“mine” : any opening or excavation made for the purpose of discovering or obtaining any mineral substance or of discovering, developing or using an underground reservoir for the storage or permanent disposal of any mineral substance or of any industrial product or residue, including a quarry, a sand-pit or a well used for maintaining water pressure, for disposing of or injecting water or to create a source of water supply and the ways, works, machinery, mills, buildings and furnaces below or above the surface of lands which form part of a mining operation;*

(5) *“to mine” : to carry out mining operations;*

(6) *“to prospect” and “to explore” : to carry out work preliminary to mining operations, with the purpose of discovering an ore deposit or an underground reservoir and demonstrating the existence thereof;*

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

(8) *“natural gaz” : all hydrocarbons and other substances which can be extracted from the ground in gaseous form;*

(9) *“underground reservoir” : any mass of rock, consolidated or not, containing natural or artificial cavities, which is suitable to be used for the purpose of storing mineral substances or industrial products or residues or of permanently disposing thereof, or which may become suitable to be so used;*

(10) *“brine” : any natural aqueous solution containing more than 4% by weight of dissolved solids;*

(11) *“lands in the public domain” : all lands in the public domain, lands transferred to Québec, clergy lands or lands of the Jesuits’ estates, Crown domain or seigniorship of Lauzon, which have not been alienated by the Crown;*

(12) *“private lands” : all lands conceded or alienated by the Crown except mining concessions, lands conceded as such and, on lands in the public domain, lands under mining lease, operating lease, storage lease or disposal licence;*

(13) *“surveyed territory” : that part of a township or seigniorship which has been surveyed and divided into lots by the proper authority;*

(14) *“mineral rights” or “mining rights” : the right to explore for, work and use natural mineral substances situated within the volume formed by the vertical projection of the perimeter of a parcel of land, including the right to explore for underground reservoirs or to develop or use them for the storage or permanent disposal of any mineral substance or of any industrial product or residue;*

- (15) *“prospector’s licence” : the licence issued under section 12;*
- (16) *“claim” : a parcel of land marked out on the ground under a prospector’s licence in conformity with this Act or with the Mining Act in force at the time;*
- (17) *“development licence” : the licence issued to a claim holder who wishes to preserve his rights;*
- (18) *“exploration permit” : the permit contemplated in the first paragraph of section 298;*
- (19) *“licence for using geophysical instruments” : the authorization to use the geophysical instruments determined by regulation;*
- (20) *“licence for geophysical surveying” : the authorization to make or cause to be made a geophysical survey to determine whether there exist geological conditions favourable to exploration for petroleum, natural gas or underground reservoirs;*
- (21) *“exploration licence” : a licence to explore lands for the purpose of finding petroleum and natural gas there;*
- (22) *“operating lease” : the authorization to produce petroleum and natural gas;*
- (23) *“exploration licence for underground reservoirs” : the licence contemplated in section 192;*
- (24) *“storage lease” : the lease contemplated in section 193;*
- (25) *“disposal licence” : the licence contemplated in section 193;*
- (26) *“exploration licence for brine” : the authorization to explore land to find brine there;*
- (27) *“operating lease for brine” : the authorization to produce brine;*
- (28) *“mining lease” : the lease contemplated in section 84;*
- (29) *“underground mining lease” : the lease contemplated in section 85;*
- (30) *“mining concession” : a mining property sold out of the public domain for the purpose of operating mining rights;*
- (31) *“underground mining concession” : a mining property under private land sold for the purpose of operating mining rights;*
- (32) *“special licence” : every licence contemplated in section 240.12;*
- (32.1) *“special exploration licence” : every licence contemplated in section 240.6;*
- (33) *“rejected material” ; displaced overburden, waste rock, liquid or solid residues and waste matter from mining operations;*
- (34) *“rejected materials management system” : the aggregate of administrative and technical operations for the removal, haulage, storage, milling and permanent deposit of the tailings of mining, and the moveable and immoveable property allocated to such purposes;*
- (35) *“output” : mineral substances taken from a mine which are removed, sold or shipped, and all substances resulting from the milling, concentrating or smelting thereof or which are otherwise extracted therefrom in a plant forming part of a mine;*
- (36) *“operator” : any person who carries on or directs, or causes to be carried on or directed, mining operations in a mine of which he is the owner, lessee or occupant;*

(37) “regulation” : any regulation made by the Government under this Act;

(38) “Minister” : the Minister of Energy and Resources;

(39) “Department” : the Ministère de l'Énergie et des Ressources.

1965 (1st sess.), c. 34, s. 1; 1968, c. 36, s. 1; 1970, c. 27, s. 1; 1977, c. 5, s. 14; 1977, c. 31, s. 1; 1979, c. 49, s. 20; 1979, c. 81, s. 20; 1981, c. 23, s. 21; 1982, c. 25, s. 41; 1982, c. 27, s. 1; 1987, c. 23, s. 76.



The Minister for Mines and Native Affairs exercises, under the authority of the Minister of Energy and Resources, the functions relating to the application of this Act, and in exercising those functions is responsible for setting out government policy with respect to the Native population and for coordinating its implementation. O.C. 2650-85 of 85.12.13, (1986) 118 G.O. 2 (French), 171; O.C. 339-86 of 86.03.26, (1986) 118 G.O. 2 (French), 1071.

2. *Mineral rights are property separate from that of the surface.*

1965 (1st sess.), c. 34, s. 2.

3. *The rights derived from a claim, development licence, special licence, special exploration licence, exploration permit, exploration licence, exploration licence for underground reservoirs, disposal licence, exploration licence for brine, operating lease, storage lease, operating lease for brine, mining lease or mining concession are immovable real rights.*

1965 (1st sess.), c. 34, s. 3; 1968, c. 36, s. 2; 1977, c. 31, s. 2; 1982, c. 27, s. 2.

4. *Aliens, as well as Canadian citizens, may enjoy the benefits of this act by complying with its provisions.*

1965 (1st sess.), c. 34, s. 4.

DIVISION II

RESERVE OF MINING RIGHTS

5. *All mineral substances belonging to the Crown under the law or by titles of concession, and situated under the soil of land conceded before the 24th of July 1880, in any township, with the exception of gold and silver, are abandoned by the Crown and belong exclusively to the owner of the surface, provided the latter has not divested himself of his right of preemption existing under the previous law.*

1965 (1st sess.), c. 34, s. 5.

6. *In every grant of land made previously to the 24th of July 1880, by simple location ticket, on the usual conditions of settlement for agricultural purposes, but for which letters patent or similar titles were not issued, or were not issued until after the above-mentioned date, the gold and silver only shall belong to the Crown, if it was established before the 1st of January 1921 that on the 24th of July 1880 the person who acquired such lands or his assigns had fulfilled all the conditions of the location ticket and that the letters patent or other titles to the same effect might have then been issued.*

1965 (1st sess.), c. 34, s. 6.

7. *From and after the 24th of July 1880 (the date of the coming into force of chapter 12 of the statutes of 1880), it is not necessary, in any grant or sale of Crown lands (not being at the same time mining concessions) by letters patent or other titles, granted or executed by the Crown, to mention the reserve of the mining rights, which reserve shall exist as of right in favour of the Crown.*

1965 (1st sess.), c. 34, s. 7.

8. *From and after the 1st of January 1921, all minerals have belonged and shall belong to the Crown under the soil of land which, on the 24th of July 1880, had not yet been patented, except in the case of the*

person who acquired such land or his assigns having, before the 1st of January 1921, established, to the satisfaction of the Minister, that all the conditions of the location ticket respecting such land had been fulfilled on the 24th of July 1880.

1965 (1st sess.), c. 34, s. 8.

9. *Mineral substances which are the object of mineral rights so reserved to the Crown on private lands do not include those excluded by the Mining Act in force when they were conceded by the Crown.*

The substances so excluded belong to the surface grantee.

1965 (1st sess.), c. 34, s. 9.

10. *On lands granted or alienated by the Crown after the 1st of January 1966, otherwise than by mining concession or mining lease, mineral rights other than those of the tilth are reserved to the Crown.*

1965 (1st sess.), c. 34, s. 10; 1968, c. 36, s. 3.

11. *The owner of the surface may, however, use and displace, for his own domestic needs, any mineral substances used principally as building materials; but he may neither exploit nor transfer them to others without obtaining the right thereto under this act.*

1965 (1st sess.), c. 34, s. 11.

DIVISION III

PROSPECTORS' LICENCES

12. *The Minister and the officers whom he designates for such purpose may issue prospectors' licences to any person of the full age of eighteen years.*

Such licences may be issued at any office of the Department designated for such purpose.

1965 (1st sess.), c. 34, s. 12.

13. *Every prospector's licence shall bear the date of its issue and shall be valid for a period of twelve months.*

1965 (1st sess.), c. 34, s. 13.

14. *The fee for a prospector's licence shall be \$25, payable prior to issue.*

Such fees shall not be refundable.

1965 (1st sess.), c. 34, s. 14; 1984, c. 47, s. 65.

15. *The prospector's licence shall be issued in a form prescribed by order.*

On such form shall appear the name and address in full of the person to whom the licence is granted, the place and date of issue and the signature of the officer issuing it.

The licence shall be void unless signed by the holder.

1965 (1st sess.), c. 34, s. 15; 1981, c. 23, s. 22.

16. *Prospector's licences are not transferable.*

1965 (1st sess.), c. 34, s. 16.

17. *The holder of a prospector's licence must, on request, exhibit such licence to any officer of the Department.*

1965 (1st sess.), c. 34, s. 17.

18. *In the case of loss or destruction of a prospector's licence, the holder may, at the cost of \$1, obtain a duplicate from the Minister.*

Such document shall be marked "duplicate" and shall bear the same date and number as the original.

1965 (1st sess.), c. 34, s. 18.

19. *The Minister may refuse a prospector's licence to any person known to have been guilty of violating any law respecting mining, in Québec or elsewhere.*

1965 (1st sess.), c. 34, s. 19.

20. *A prospector's licence shall not entitle the holder to stake a claim for another person, even if such other person also holds a permit.*

1965 (1st sess.), c. 34, s. 20.

21. *The licence of a person in whose name a claim has been staked by another may be cancelled by a judge designated under section 309.1 who may then declare the claim so staked and the work done to be null and void.*

A judge designated under section 309.1 may also, following an inquiry, cancel the licence of any person who has staked a claim for another, and prohibit the issue of other licences to him for six months following the date of such cancellation.

1965 (1st sess.), c. 34, s. 21; 1986, c. 61, s. 16.

22. *The prospector's licences of any person who obtains or attempts to obtain registration of a claim by fraud or false representations may be cancelled by a judge designated under section 309.1.*

1965 (1st sess.), c. 34, s. 22; 1986, c. 61, s. 17.

23. *The holder of a prospector's licence may stake out for each licence a maximum of eighty hectares in unsurveyed territory and a maximum of ninety hectares in surveyed territory.*

1965 (1st sess.), c. 34, s. 23; 1970, c. 27, s. 2; 1977, c. 60, s. 64.

24. *The holder of a prospector's or development licence shall be entitled to obtain, free of charge, on request, at the time of the issue or renewal of each permit, five assay coupons.*

Such coupons shall be valid for twelve months and the laboratories of the Department shall deduct, for each coupon received, the sum of \$1 from the cost of assay or analysis of samples of mineral substances taken from the claims of the holder.

1965 (1st sess.), c. 34, s. 26.

25. *(Repealed).*

1965 (1st sess.), c. 34, s. 27; 1981, c. 23, s. 23.

26. *The holder of a prospector's licence shall be entitled to prospect on lands in the public domain and on private lands where minerals are reserved to the Crown, but not on any claim, or on any land under*

development licence or exploration permit, mining lease or mining concession, or on any land withdrawn from mining operations by competent authority.

1965 (1st sess.), c. 34, s. 28; 1987, c. 23, s. 76.

27. *No person, without the written permission of the Minister, may stake out as claims any lands:*

- (a) set aside by the Crown as village or town lots;*
- (b) subdivided into building lots and entered as such on the plan and in the book of reference of the official cadastre;*
- (c) situated within the limits of a city or town;*
- (d) reserved under paragraph b of section 301;*
- (e) situated within the territory of New Québec; or*
- (f) situated within the limits of the territory described in Schedule I.*

1965 (1st sess.), c. 34, s. 29; 1977, c. 31, s. 3; 1982, c. 27, s. 3.

28. *No person, without the authorization of the Government, may stake out any lands:*

- (a) in which only gold and silver are reserved to the Crown;*
- (b) transferred or reserved by the Crown for the development of hydraulic power; or*
- (c) designated as parks established under the Parks Act (chapter P-9) or bird sanctuaries.*

1965 (1st sess.), c. 34, s. 30; 1982, c. 27, s. 4; 1985, c. 30, s. 54.

29. *The written permission of the Minister and the authorization of the Government may include conditions and obligations, particularly, notwithstanding sections 73 to 83, conditions and obligations relating to the required work.*

Such conditions and obligations may be:

- (a) imposed by the Minister in the case of section 27;*
- (b) imposed by the Government in the case of section 28; or*
- (c) provided for in an agreement approved by the Government and concluded between the Minister and the person requesting the permission or authorization to stake out.*

1965 (1st sess.), c. 34, s. 31; 1977, c. 31, s. 4.

30. (1) *Any land which has been the object of a lapsed or abandoned claim shall not be restaked within thirty days of the date of the expiry or of the reception by the Minister of the written notice of abandonment, nor before seven hours of the thirty-first day.*

(2) *However, such land shall not be restaked by the same person or for the benefit of any person who previously held it or had an interest therein within sixty days of the date of the expiry or of the reception by the Minister of the written notice of abandonment, nor before seven hours of the sixty-first day.*

(3) Any land which has been the object of a cancelled development licence, of a cancelled claim or of a claim the recording of which has been refused shall not be restaked before the final decision on the cancellation or refusal and in no case before seven o'clock on the day after the last day for appeal.

1965 (1st sess.), c. 34, s. 32; 1970, c. 27, s. 4; 1977, c. 31, s. 5; 1981, c. 23, s. 24.

DIVISION IV

STAKING OF CLAIMS

31. *In unsurveyed territory, every prospector's licence shall entitle the holder to mark out on the ground one or more but no more than five claims, the sides of which shall be roughly four hundred metres in length and shall run astronomically northward and southward, eastward and westward, and the area of each of which shall be sixteen hectares, in the following manner:*

(a) The staker must plant a stake at the apex of each angle of the claim, commencing with stake No. 1 and ending with stake No. 4;

(b) The stake in the north-east angle shall bear the number 1, that in the south-east angle the number 2, that in the south-west angle the number 3 and that in the north-west angle the number 4;

(c) The staker must affix to each stake a metal plate bearing the number of the stake, the number of the claim and the number of his prospector's licence;

(d) He must also mark on stake No. 1, in legible characters, his name and the time and date of the staking;

(e) On stakes Nos. 2, 3 and 4 he must mark the date of the staking;

(f) The lines between the stakes shall be marked out or indicated on the ground in such a way that they may be followed from one stake to the next;

(g) If it is impossible to plant a stake at the apex of any of the angles of the claim, the staker must plant at the nearest convenient place a stake on which he must:

i. affix the metal plate prescribed in paragraph c;

ii. inscribe the particulars required in paragraphs d and e;

iii. affix the inscription "W.P." (witness post) or "P.I." (piquet indicateur);

iv. indicate the distance between the witness post and the actual apex of the angle of the claim;

v. indicate in which direction from the witness post the actual apex of the angle is located;

(h) The length of the stakes above ground must be approximately one metre and twenty-five centimetres and their diameter approximately ten centimetres; they must be squared on all four sides for a length of at least thirty centimetres starting from the head; stumps or trees of the required dimensions may be used in place of stakes;

(i) Stakes marking out claims shall not be used for a new staking;

(j) Any person beginning to stake a claim must complete it before beginning to stake another;

(k) If the same person stakes out contiguous claims, he may plant a single stake at the apices of the adjacent angles.

1965 (1st sess.), c. 34, s. 33; 1970, c. 27, s. 5; 1977, c. 31, s. 6; 1977, c. 60, s. 65.

32. *In unsurveyed territory where there is no wood from which stakes conformable to the requirements of section 31 can be made, the staker may mark the corners of the claims by means of wooden or metal stakes one metre and twenty-five centimetres high above the ground and at least two centimetres in diameter, on which he shall mark the date of the staking and to each of which he shall fasten securely a metal plate bearing the number of the stake, the number of the claim and the number of his prospector's licence.*

Such stakes shall be kept in place by a pile of stone or earth at least seventy-five centimetres in diameter and fifty centimetres high.

1965 (1st sess.), c. 34, s. 34; 1977, c. 60, s. 66.

33. (1) *In surveyed territory, the sides of the claims must follow the lines established at the time of the original division of the land, unless the Minister orders otherwise. In other respects, the staking procedure shall be that described in section 31 except that, in the case of whole lots, the staker is only required to mark out or indicate on the ground the range lines between the stakes.*

(2) *Staked lands may be composed:*

(a) *of a whole lot or of several contiguous whole lots, the total area of which does not exceed twenty hectares;*

(b) *of whole lots or half-lots in the case of lots of more than twenty hectares but not more than forty-five hectares in area;*

(c) *of whole lots, half-lots or quarter-lots in the case of lots of more than forty-five hectares but not more than ninety hectares in area.*

(3) *In the case of a whole lot, half-lot or quarter-lot partly covered by water or encumbered by a right of way for a road or other purpose, the claim shall include the stretch of water or the land encumbered by the servitude.*

(4) *When at the boundary of a cadastral lot there is a strip of land encumbered by a right of way for a road or other purpose, the claim staked on such lot shall include the adjacent half of such strip.*

(5) *If a lot of irregular shape is bounded by a river or stretch of water, the staker may extend underwater, by witness posts on the shore, the sides of the claim, so as to give it the area and shape that the lot would have had, if it had not bordered on a river or stretch of water.*

(6) *In the Îles-de-la-Madeleine, staking may be done as in unsurveyed territory.*

1965 (1st sess.), c. 34, s. 35; 1970, c. 27, s. 6; 1977, c. 60, s. 67; 1982, c. 58, s. 45.

34. *If the Minister deems it in the public interest to do so, he may order that claims in a surveyed township or in a seigniority be staked and recorded in the same manner as in unsurveyed territory.*

1965 (1st sess.), c. 34, s. 36; 1970, c. 27, s. 7.

35. *In unsurveyed territory, a parcel of land of less than sixteen hectares situated between claims may be staked by the holders of adjacent claims in such proportions as appear fair to the Minister.*

With the authorization of the Minister, a third party may stake it, complying as nearly as possible with the provisions of this division.

1965 (1st sess.), c. 34, s. 37; 1977, c. 60, s. 68.

36. (1) *Any officer of the Department, and any assistant of such officer, who discovers valuable minerals on lands wherein the mining rights belong to the Crown, must stake a claim or claims for the benefit of the Crown, and may do such staking without being the holder of a prospector's licence.*

(2) *The Minister may require any officer of the Department to stake for the Crown any land on which the Crown holds mineral rights, and, notwithstanding the delays fixed in section 30, any land which has been the object of a lapsed or abandoned claim.*

(3) *Such staking must be done in the manner required by this act, but instead of bearing the number of a prospector's licence, the stakes must bear the inscription "for the Crown".*

(4) *Claims staked for the Crown shall remain in force at the discretion of the Minister, who may operate them or dispose of them for such prices and upon such conditions as may be fixed by the Government.*

1965 (1st sess.), c. 34, s. 38.

37. *When staking, it shall be sufficient to observe the provisions of this act in substance, and as nearly as circumstances permit.*

1965 (1st sess.), c. 34, s. 39.

38. *Intentionally to remove or disturb any claim stake, or to change or mutilate in any manner the inscriptions on any such stake shall be illegal.*

Any person found guilty of an infringement of this section shall be liable to a fine of \$50 to \$500.

1965 (1st sess.), c. 34, s. 40.

DIVISION V

RECORDING OF CLAIMS

39. *The holder of a prospector's licence who has staked a claim must, within the next fifteen days, file a notice of such staking, together with his licence, at the office of the Minister or of the mining recorder having jurisdiction.*

1965 (1st sess.), c. 34, s. 41.

40. *If any claim is more than eighty kilometres in a straight line from the nearest mining recorder's office, the delay for filing the notice of staking and the licence is increased by one day for every twenty-five kilometres or fraction of twenty-five kilometres above eighty kilometres, but it shall not exceed thirty days.*

1965 (1st sess.), c. 34, s. 42; 1977, c. 60, s. 69.

41. *Any application for recording which is not made within the prescribed delay must be refused by the recorder.*

The recorder must refer any other application to the Minister if it does not appear to him to comply with this division or if it appears that the staking has not been done in accordance with Division IV; the same shall apply to any application which gives rise to a dispute.

The Minister may then agree or refuse to record the claim, according as the application or the staking appears to him to comply or not with the law.

1965 (1st sess.), c. 34, s. 43; 1970, c. 27, s. 8.

42. *The notice of staking shall contain:*

(a) *as precise a description of the claim as possible;*

(b) *the number and date of the prospector's licence under which the claim was staked;*

- (c) *the date of the inscriptions on the stakes and the time at which stake No. 1 was planted;*
- (d) *the number of stakes planted by the staker and the distance between each;*
- (e) *in the case of a claim in unsurveyed territory, a sketch showing the nearest reference points;*
- (f) *the signature of the staker.*

1965 (1st sess.), c. 34, s. 44.

43. *Upon the expiry of the delay fixed in sections 39 and 40, if the claim contemplated by a notice of staking is admitted, the recorder shall make mention thereof on the back of the prospector's licence and in the register, and shall return the licence to the staker.*

1965 (1st sess.), c. 34, s. 45.

DIVISION VI

VALIDITY OF CLAIMS

44. *A claim shall be valid for twelve months from the date of staking.*

1965 (1st sess.), c. 34, s. 46 (part).

45. *North of the 52nd degree of latitude, and in the electoral districts of Bonaventure, Gaspé-Nord, Gaspé-Sud, Îles-de-la-Madeleine, Kamouraska, Matane, Matapédia, Rimouski, Rivière-du-Loup and Témiscouata, a claim shall be valid for twenty-four months from the date of staking.*

1965 (1st sess.), c. 34, s. 46 (part); 1969, c. 37, s. 1.

46. *The holder of a claim may abandon it by a written notice to the Minister.*

1965 (1st sess.), c. 34, s. 47.

47. *The Minister, of his own motion or at the request of an interested party, may cancel a claim:*

- (a) *within 90 days of the date of recording if such claim has been recorded by mistake;*
- (b) *at any time, if it has been admitted for recording through fraud or misrepresentation, unless it has been recorded for a year in the name of a third-party holder in good faith;*
- (c) *at any time, if it has not been staked.*

1965 (1st sess.), c. 34, s. 49.

48. *The applicant for the cancellation of a claim must:*

- (a) *set forth in his application, clearly, briefly and in good faith, the facts upon which it is based;*
- (b) *if he alleges irregularities in staking, submit a sketch showing the same with reasonable accuracy;*
- (c) *deposit \$10 per claim, which deposit shall be confiscated if the application is dismissed.*

1965 (1st sess.), c. 34, s. 50.

49. *When the Minister refuses to register a claim or cancels it, he shall advise the interested parties thereof, by registered or certified mail, and each of them may, within thirty days of the date of the mailing of such notice, appeal such decision, following the procedure set out in sections 313 and 314.*

1965 (1st sess.), c. 34, s. 51; 1968, c. 36, s. 4; 1970, c. 27, s. 9; 1975, c. 83, s. 84; 1977, c. 31, s. 8; 1981, c. 23, s. 25; 1986, c. 61, s. 18.

50. *When the validity of a claim is contested, the Minister, by a written decision communicated to the interested parties, may suspend the delay for the application for a development licence or for a renewal and the carrying out of the work.*

1965 (1st sess.), c. 34, s. 52.

51. *Following the abandonment, cancellation or expiry of a claim or development licence, the holder may, within thirty days, remove any constructions belonging to him.*

Once such delay has expired, the constructions and any moveable property or improvements remaining on the premises shall become the property of Her Majesty in the right of Québec.

1965 (1st sess.), c. 34, s. 53.

DIVISION VII

EFFECT OF CLAIMS

52. *No holder of any claim on lands in the public domain may erect thereon constructions other than those required for his mining work; any other construction shall render his claim liable to cancellation by the Minister.*

If a third person erects any construction, the holder, upon acquiring knowledge thereof, must forthwith give notice thereof in writing to the Minister.

1965 (1st sess.), c. 34, s. 54; 1987, c. 23, s. 76.

53. (1) *When a person is in illegal possession of any land covered by a claim, or of any Crown land situated within the limits of a mining town or mining village, and refuses to relinquish possession, the Minister, or with his permission the claim-holder, may present to a judge of the Superior Court for the district a petition served at least ten clear days before presentation thereof.*

(2) *Upon satisfactory proof that such person is unjustly or illegally in possession of the said land, the judge shall issue an order enjoining him to vacate the same and relinquish possession thereof.*

(3) *Such order shall have the same effect as a writ of possession, and must be executed according to law.*

(4) *The proceedings contemplated by this section shall be deemed matters which must be heard and decided by preference according to the provisions of the Code of Civil Procedure and the costs thereof shall be those of a first class action in the Court of Québec.*

(5) *Houses or other constructions inhabited or possessed by a person who has received a judge's order to vacate the same and relinquish possession thereof shall become the property of the Crown thirty days after the date of evacuation fixed by the judge. The Minister may then sell or otherwise dispose of such houses or constructions.*

1965 (1st sess.), c. 34, s. 55; 1965 (1st sess.), c. 17, s. 2; 1965 (1st sess.), c. 80, a. 1; 1988, c. 21, s. 66.

54. *The holder of a claim shall have the right of access thereto in order to prospect or carry out development work.*

Nevertheless, if the claim is on private land, he may only do so with the consent of the owner or after expropriation under division XXIV.

1965 (1st sess.), c. 34, s. 56.

55. *No claim holder shall be entitled as such to extract or ship mineral substances, except such quantities as are necessary for analysis, assay or study.*

Nevertheless, the Minister may authorize him, on such conditions as he may prescribe, to extract and ship, each year, to any ore-treatment mill situated in Québec, a quantity of crude ore not exceeding three hundred metric tonnes.

1965 (1st sess.), c. 34, s. 57; 1977, c. 60, s. 70.

56. *Claims do not give the right to the petroleum, natural gas, sand, gravel or brine contained within the land staked; nor do they give the right to develop or use the underground reservoirs, in the land staked, for the storage or permanent disposal of any mineral substance or of any industrial product or residue.*

1965 (1st sess.), c. 34, s. 58; 1968, c. 36, s. 5; 1970, c. 27, s. 10.

57. *Every claim is limited on the surface by its perimeter, and in depth by the vertical projection of such perimeter.*

1965 (1st sess.), c. 34, s. 59.

58. *The Crown reserves for itself, and does not consider as part of any claim, that part of any river or watercourse which, in its natural state, is capable of developing one hundred and ten kilowatts or more, with in addition twenty metres in width on each side and such additional area as the Government may deem necessary for the development and use thereof.*

1965 (1st sess.), c. 34, s. 60; 1977, c. 60, s. 71.

59. *If, after a survey, it is found that the area of a claim exceeds that fixed by law, the Minister may order the reduction thereof in such manner as he deems expedient.*

1965 (1st sess.), c. 34, s. 61.

DIVISION VIII

DEVELOPMENT LICENCES

60. *Any holder of a claim who wishes to retain his rights must apply for a development licence.*

He must, on pain of forfeiture, make his application at the office of a mining recorder no later than ten days after the expiration date of the claim.

1965 (1st sess.), c. 34, s. 62.

61. *The area contemplated by a development licence may comprise one or more claims and, in surveyed territory, parts of claims in conformity with section 33.*

The total area comprised in a development licence shall not exceed ninety hectares.

1965 (1st sess.), c. 34, s. 63; 1977, c. 60, s. 72.

62. *The application shall be made in the form prescribed by order and shall contain the following information:*

- (a) *the number of each claim to be included;*
- (b) *the expiration date of each claim;*
- (c) *the cost of the work required under Division IX;*
- (d) *a declaration certifying the accuracy of the information given.*

1965 (1st sess.), c. 34, s. 64; 1970, c. 27, s. 11; 1981, c. 23, s. 26.

63. *Every person who applies for a development licence must pay an annual rental of \$0.75 per hectare. The same shall apply to every application for renewal.*

1965 (1st sess.), c. 34, s. 65; 1970, c. 27, s. 12; 1977, c. 60, s. 73; 1984, c. 47, s. 66.

64. *A claim under development licence retains the number assigned to it upon staking.*

1965 (1st sess.), c. 34, s. 66.

65. *The development licence shall be valid for one year from the date thereof.*

1965 (1st sess.), c. 34, s. 67.

66. *The holder of a development licence who wishes to retain his rights must apply for the renewal of such licence.*

He must, on pain of forfeiture, make his application at the office of a mining recorder no later than ten days after the expiration date of the licence.

1965 (1st sess.), c. 34, s. 68.

67. *The application shall be made in the form prescribed by order and shall contain the following information:*

- (a) *the number of the development licence and of each claim covered by such renewal;*
- (b) *the expiration date of the licence;*
- (c) *the cost of the work required under Division IX;*
- (d) *a declaration certifying the accuracy of the information given.*

1965 (1st sess.), c. 34, s. 69; 1970, c. 27, s. 13; 1981, c. 23, s. 27.

68. *When the holder of a claim has failed to apply for the issue or renewal of the development licence within the prescribed delay, the Minister may allow any application made within thirty days of the expiration of the claim or licence.*

1965 (1st sess.), c. 34, s. 71.

69. *Such application shall be accompanied by:*

- (a) *a statement of the reasons for the delay;*
- (b) *a declaration showing that the applicant has carried out in good faith the required work during the prescribed period.*

1965 (1st sess.), c. 34, s. 72.

70. *Such application shall be accompanied by payment of an annual rental of \$2.50 per hectare.*

1965 (1st sess.), c. 34, s. 73; 1970, c. 27, s. 15; 1977, c. 60, s. 74.

71. *Whenever, for valid reasons, the holder of a claim or development licence has not done the required work within the prescribed time, the Minister may, on application made within thirty days after the expiry of the claim or of the development licence:*

(a) grant to him, on payment of \$3.75 per hectare, a delay of six months to do the work and furnish evidence thereof; or

(b) exempt him from required work, on payment of the cost of the work which he would otherwise have had to do.

The exemption provided in sub-paragraph b may be granted to him even if the delay provided in sub-paragraph a has already been granted to him, provided that he applies therefor before its expiry.

1965 (1st sess.), c. 34, s. 74; 1970, c. 27, s. 16; 1977, c. 60, s. 75.

72. *The Minister may, of his own motion or upon the request of an interested party, cancel a development licence:*

(a) within 90 days of the date thereof, if it has been issued or renewed by mistake;

(b) at any time, if it has been issued or renewed through fraud or misrepresentation, unless it has been recorded for a year in the name of a third-party holder in good faith.

Section 49 shall apply to the decision of the Minister.

1965 (1st sess.), c. 34, s. 75.

DIVISION IX

REQUIRED WORK

73. *The work required for each hectare or fraction of a hectare comprised in a claim must involve an expenditure of \$5 for the first year and \$10 for the subsequent years.*

For a claim situated north of the 52nd degree of latitude or in the electoral divisions of Bonaventure, Gaspé, Îles-de-la-Madeleine, Kamouraska-Témiscouata, Matane, Matapédia, Rimouski and Rivière-du-Loup, the required work must involve, for the first two years of its duration, an expenditure of \$15 for each hectare or fraction of a hectare.

To be valid, such work must be reported, in accordance with the conditions fixed by regulation, not later than the thirtieth day after the date of expiry of the claim or of the development licence.

1965 (1st sess.), c. 34, s. 76; 1969, c. 37, s. 2; 1970, c. 27, s. 17; 1981, c. 23, s. 28.

74. *The surplus of the sums expended for required work done on a claim or in a territory under development licence shall be applicable to a subsequent application.*

1965 (1st sess.), c. 34, s. 77; 1970, c. 27, s. 18.

75. *The holder of a group of contiguous claims the total area of which does not exceed four hundred and eighty hectares may concentrate his work on only a portion of such area and count it as required work with respect to any claim in the group.*

If he renounces a portion of his claims, the sum expended as required work on the claims renounced shall be applicable with respect to the claims which he retains up to a maximum value of five subsequent renewals.

1965 (1st sess.), c. 34, s. 78; 1970, c. 27, s. 18; 1977, c. 60, s. 76.

76. *When contiguous lands are partly under mining lease, mining concession, exploration permit or special permit and partly under development licence in the name of the same person, and may be considered as one and the same enterprise, the Minister may permit all the work required for renewal of the licences to be done on the lands under lease, concession, exploration permit or special permit.*

This provision shall only apply to an area under licence not exceeding four hundred and eighty hectares.

1965 (1st sess.), c. 34, s. 79; 1970, c. 27, s. 19; 1977, c. 60, s. 77.

77. *All work concerning prospecting, exploration, valorization and determining economic feasibility and all work of research done on a claim or on contiguous lands under mining lease, mining concession, exploration permit or special permit shall constitute required work with a view to obtaining or renewing a development licence.*

1965 (1st sess.), c. 34, s. 80; 1970, c. 27, s. 20; 1981, c. 23, s. 29.

78. *For the obtaining of a development licence, only the work done during the period of validity of the claim shall count as required work.*

However, expenditures for purposes of geological, geophysical and geochemical surveying on the claim during the six months preceding staking shall count for the purpose of calculating the cost of the required work.

1965 (1st sess.), c. 34, s. 81; 1970, c. 27, s. 20.

79. *For the renewal of a development licence, only the work done during the current year of the licence shall count as required work.*

However, geological, geophysical and geochemical surveying, drilling, sampling, tests, analyses and exploration done in the same territory during the twelve months preceding the current year of the licence shall count for the purpose of calculating the cost of the required work if their cost has not already been counted.

1965 (1st sess.), c. 34, s. 82; 1970, c. 27, s. 20.

80. *In any report on required work, the sum expended for prospecting work shall not exceed one-quarter of the total sum required.*

Sections 74, 75 and 76 shall not apply to prospecting work.

1965 (1st sess.), c. 34, s. 83; 1970, c. 27, s. 20.

81. *A log of excavations and drillings shall be kept showing the location, direction and inclination of each shaft, hole or gallery, the types of rock encountered in the order in which they are traversed and the distance covered in each.*

1965 (1st sess.), c. 34, s. 85.

82. *Survey work done in accordance with Division XXIII shall count as required work.*

1965 (1st sess.), c. 34, s. 86; 1970, c. 27, s. 22.

83. *The construction or repair of buildings, roads or other similar works shall not be counted as required work on a claim.*

1965 (1st sess.), c. 34, s. 88.

DIVISION X

MINING LEASES

84. *Any claim-holder or holder of a special exploration licence shall be entitled to obtain from the Minister a mining lease of the land covered or any portion thereof, upon establishing to the satisfaction of the Minister reasonable indications of a mineral deposit capable of being economically worked.*

The applicant shall furnish a report certified by a mining engineer or qualified geologist describing the nature, extent and probable value of the deposit.

A lease may have as its object the land covered by several claims or portions of claims or by several special exploration licences.

1965 (1st sess.), c. 34, s. 89; 1982, c. 27, s. 5.

85. *The right to minerals belonging to the Crown under private lands may in the same manner be the subject of an underground mining lease, subject to the rights of the surface owners.*

1965 (1st sess.), c. 34, s. 90.

86. *A mining lease confers the right to all mineral substances belonging to the Crown, but it does not confer the right to petroleum, natural gas, sand, gravel or brine; nor does it give the right to develop or use the underground reservoirs, in the land leased, for the storage or permanent disposal of any mineral substance or of any industrial product or residue.*

1965 (1st sess.), c. 34, s. 91; 1968, c. 36, s. 6; 1970, c. 27, s. 24.

87. *A mining lease on land in the public domain does not include the right to use the surface except for mining purposes.*

1965 (1st sess.), c. 34, s. 92; 1987, c. 23, s. 76.

88. *Saving the restrictions of this act, the holder of a mining lease has the rights and obligations of an owner.*

1965 (1st sess.), c. 34, s. 93.

89. *The total area granted by lease to any one person during a twelve month period must not exceed ninety hectares.*

The Government may, however, authorize the Minister to increase such area to four hundred hectares.

1965 (1st sess.), c. 34, s. 94; 1977, c. 31, s. 11; 1977, c. 60, s. 78.

90. *In unsurveyed territory, an application for a mining lease must be accompanied by a plan prepared by a land-surveyor in conformity with division XXIII.*

The Minister may also require such a plan in surveyed territory.

1965 (1st sess.), c. 34, s. 95.

91. *On lands in the public domain, every mining lease is subject to a reserve of 5 % of the surface for roads and other public purposes of the Crown.*

1965 (1st sess.), c. 34, s. 96; 1987, c. 23, s. 76.

92. *A mining lease of land bounded by a lake or river or comprising a portion thereof is subject to public navigation and floating rights.*

Moreover, there shall be reserved, along any lake or river, a road ten metres in width which shall be included in the reserve of five per cent provided for in section 91.

1965 (1st sess.), c. 34, s. 97; 1977, c. 60, s. 79.

93. *The annual rental of a mining lease shall be \$2.50 per hectare, payable in advance each year.*

1965 (1st sess.), c. 34, s. 98; 1977, c. 60, s. 80.

94. *The place and situation of every smelter, mill or refinery built in Québec for smelting, treating or refining ore, minerals or mineral-bearing substances shall be chosen, determined or approved by the Government.*

1965 (1st sess.), c. 34, s. 99.

95. *A mining lease imposes on the holder the obligation to commence, within two years, mining operations on the land leased, and to furnish evidence thereof to the satisfaction of the Minister.*

1965 (1st sess.), c. 34, s. 100.

96. *The Minister, for a valid reason, may extend the delay between the date of the lease and the commencement of operations.*

1965 (1st sess.), c. 34, s. 101.

97. *When the Minister so allows a delay to commence operations, the annual rental shall be increased to \$5 per hectare for the third and fourth years, \$7.50 per hectare for the fifth and sixth years, \$10 per hectare for the seventh and eighth years, \$12.50 per hectare for the ninth and tenth years and \$15 per hectare thereafter.*

1965 (1st sess.), c. 34, s. 102; 1977, c. 60, s. 81.

98. *When adjacent lands not exceeding two thousand hectares in all have been leased by separate mining leases to the same person and can be regarded as one and the same undertaking, the Minister may allow the required operations to be concentrated on one of such lands.*

1965 (1st sess.), c. 34, s. 103; 1977, c. 60, s. 82.

99. *A mining lease runs for the term requested by the person applying therefor, between a minimum of five years and a maximum of twenty.*

It may be renewed three times, upon the conditions in force at the time of renewal.

The duration of each renewal is limited to ten years.

1965 (1st sess.), c. 34, s. 104.

100. *To obtain a renewal, the holder must:*

(a) make written application to the Minister, before the lease expires;

(b) *have fulfilled all the prescribed conditions and obligations;*

(c) *have carried on mining operations on the land leased for at least one-tenth of the term of the lease and of each renewal.*

1965 (1st sess.), c. 34, s. 105.

101. *After the third renewal of a mining lease, the Government may grant an extension thereof upon such conditions as it determines.*

1965 (1st sess.), c. 34, s. 106.

102. *The Minister may allow the holder of any mining lease to abandon all or part of the leased land provided:*

(a) *that he applies therefor in writing;*

(b) *that he has paid all his dues; and*

(c) *that he has delivered a complete set of the plans contemplated by sections 281 and 282.*

1965 (1st sess.), c. 34, s. 107.

103. *If the holder of a mining lease fails to comply with any condition of his lease, the Minister may notify him in writing of the failure, and cancel the lease if the holder does not remedy the situation to the satisfaction of the Minister, within ninety days.*

1965 (1st sess.), c. 34, s. 108.

104. *In the event of cancellation of a mining lease, the Minister may require of the holder a complete set of the plans contemplated in sections 281 and 282.*

1965 (1st sess.), c. 34, s. 109.

105. *For the recovery of all amounts due under a mining lease, the Government has the recourses of a lessor and a lessor's privilege upon the moveable and immoveable property located on the leased premises.*

1965 (1st sess.), c. 34, s. 110; 1977, c. 5, s. 14.

106. *After the cancellation or abandonment of a mining lease, a holder who owes the Government no debt resulting from his lease may, within twelve months, remove any moveable or immoveable property belonging to him and any ore already extracted.*

The Minister, upon written application, may extend such delay.

Once the delay has expired, all moveable and immoveable property and all extracted ore remaining on the land shall become the property of Her Majesty in the right of Québec.

1965 (1st sess.), c. 34, s. 111; 1977, c. 5, s. 14.

107. *Mineral rights in land which has been the object of a lease are not available for re-staking or for leasing again except upon the conditions fixed by the Government.*

1965 (1st sess.), c. 34, s. 112.

DIVISION XI

MINING CONCESSIONS

108. *The holder of a claim staked before 1 January 1966 may obtain from the Minister a mining concession of all or part of the land in question by establishing, to the satisfaction of the Minister, reasonable indications of a mineral deposit which can be economically developed.*

1965 (1st sess.), c. 34, s. 113.

109. *Every application for a mining concession must be made within two years of 1 January 1966.*

1965 (1st sess.), c. 34, s. 114.

110. *Division X, except sections 93, 99, 100 and 101, shall apply, mutatis mutandis, to mining concessions.*

1965 (1st sess.), c. 34, s. 115.

111. *Any person applying for a mining concession shall annex to his application the required documents and the price fixed, namely, \$75 per hectare.*

1965 (1st sess.), c. 34, s. 116; 1977, c. 60, s. 83.

112. *Letters patent for a mining concession shall not be issued except upon proof of the commencement of operations under section 95, and after inspection, if the Minister deems it expedient.*

1965 (1st sess.), c. 34, s. 117.

113. *Such letters patent may be cancelled if no mining operations have been carried out during ten consecutive years. Sections 231, 232, 234 to 236 and 241 apply to such cancellation.*

1965 (1st sess.), c. 34, s. 118; 1982, c. 27, s. 6.

114. *All mining concessions other than those the letters patent whereof were issued before 1 July 1911 shall be subject to an annual tax of \$2.50 per hectare.*

Such tax shall take effect from the first of January following the expiration of two years from the date of the concession, and shall be payable before the fifteenth of January each year.

The Minister shall remit such tax upon proof that exploration work or mining operations of a cost of \$25 per hectare have been carried out on each concession, or according to section 98.

1965 (1st sess.), c. 34, s. 119; 1977, c. 60, s. 84.

DIVISION XII

FORMER MINING CONCESSIONS

115. *This division shall apply only to mining concessions granted before 1 January 1966.*

1965 (1st sess.), c. 34, s. 120.

116. *Lands under mining concession for inferior minerals within the meaning of the former legislation shall be withdrawn from the staking of claims.*

If the owner of such a concession wishes to obtain the right to the other minerals, he may apply therefor to the Minister who shall grant it to him on payment of the difference between the price fixed by this act for the right to all minerals and the amount already paid for the inferior minerals.

1965 (1st sess.), c. 34, s. 121.

117. *Every mining concession shall be subject to a reserve of five per cent of the surface for roads and other public purposes of the Crown.*

1965 (1st sess.), c. 34, s. 122.

118. *From and after 15 March 1928, the water-powers capable of supplying one hundred and ten kilowatts, or over, comprised in a mining concession, with, in addition, from and after 27 May 1937, an allowance of twenty metres in width on each side of the said water-powers, and any additional area which the Government may deem necessary for their development and utilization are reserved to the Crown.*

1965 (1st sess.), c. 34, s. 123; 1977, c. 60, s. 85.

119. *When a mining concession in unsurveyed territory borders on a lake or river, or comprises a portion of a lake or river, it shall be subject, in all cases, to the rights of the public on navigable and floatable waters.*

Along the edge of such lakes or rivers, the Crown also reserves for itself a right for a road on a strip ten metres in width which is included in the reserve of five per cent.

1965 (1st sess.), c. 34, s. 124; 1977, c. 60, s. 86.

DIVISION XIII

TIMBER-CUTTING RIGHTS

120. *When timber is reserved to the Crown or is included in a timber limit or licence to cut timber, the holder of a claim, development licence, mining lease or mining concession shall be entitled to cut trees for the construction of buildings and for other purposes necessary for his operations, on payment of the stumpage dues.*

1965 (1st sess.), c. 34, s. 125.

121. *On land granted by mining lease or mining concession, the rights included in a timber limit or licence to cut timber shall terminate three years after the date of the mining lease or mining concession.*

On any such land, no new licence to cut timber shall be issued except upon written authorization of the Minister.

1965 (1st sess.), c. 34, s. 126.

122. *The holder of a licence to cut timber may build and maintain the roads necessary for his purposes.*

1965 (1st sess.), c. 34, s. 127.

DIVISION XIV

SAND, STONE AND GRAVEL

123. *The Crown shall be entitled, without indemnity, to extract from any land which is the subject of a claim, development licence, mining lease or mining concession on lands in the public domain, the sand, stone and gravel which it may need for the construction or maintenance of its works.*

1965 (1st sess.), c. 34, s. 128; 1977, c. 31, s. 12; 1987, c. 23, s. 76.

124. *The Minister, upon such conditions as are determined by regulation, may dispose of the right of working sand and gravel deposits:*

(a) on lands in the public domain, without being obliged to pay any indemnity to the holders of claims, development licences or mining leases;

(b) on private lands or mining concessions with the written consent of the owner or after expropriation.

1965 (1st sess.), c. 34, s. 129; 1977, c. 31, s. 12; 1987, c. 23, s. 76.

DIVISION XV

DIVISION INTO LOTS

125. *(1) The holder of a mining lease or mining concession may obtain from the Minister, upon such conditions as he fixes, the authorization:*

(a) to subdivide the whole or any portion of his land into lots and to dispose thereof;

(b) to erect dwellings or other constructions on his land without being obliged to subdivide it;

(c) to sell such dwellings or constructions to third persons;

(d) to lease or otherwise dispose of surface rights on his land.

(2) Without such authorization, the holder of a mining lease or mining concession shall not dispose of any parcel of land or surface right, erect, or allow to be erected on his land constructions which are not necessary for his mining operations.

(3) Such authorization shall be given to him in the form of a certificate signed by an officer empowered for such purpose by the Minister.

1965 (1st sess.), c. 34, s. 130; 1970, c. 27, s. 25; 1979, c. 81, s. 20; 1983, c. 57, s. 130.

126. *The holder must register the certificate issued under section 125 at the registry office of the division where the lot is situated.*

From such registration, no deed disposing of a lot or surface right described in a certificate shall be declared invalid on the sole ground of non-compliance, by the holder of the concession, with the requirements of this act or of his failure to fulfil any obligation imposed under subsection 1 of section 125.

This section shall apply even to deeds of disposition and to constructions made for purposes other than mining on land already subdivided on the first of January 1971.

1970, c. 27, s. 26.

127. *In case of infringement of sections 125 and 126, the Minister may revoke the lease or the concession, and sections 231, 232 and 235, 236 and 241 apply to such revocation.*

The offender shall also be liable, upon summary proceeding, to a fine of not more than \$1 150.

1970, c. 27, s. 26; 1982, c. 27, s. 7; 1986, c. 58, s. 62.

128. *No transfer of a lot or surface right made before the first of January 1971 on a mining concession shall be declared invalid on the sole ground of non-compliance by the holder with the requirements of the Mining Act respecting division into lots in force after the date of such concession or of his failure to fulfil any obligation imposed upon him by the Government or any public officer.*

However, the preceding paragraph shall not apply to a deed of disposition respecting a lot not described in a subdivision plan duly deposited with the book of reference in the registry office of the division where it is situated.

1970, c. 27, s. 26; 1977, c. 5, s. 14.

129. *Every transfer of a surface right made before 1 January 1971 by emphyteutic lease on any mining concession shall be deemed a sale pure and simple.*

Contractual clauses inconsistent with the preceding paragraph shall be deemed null and not written except those involving for the lessee the obligation to pay a sum of money. However, the hypothec securing the payment of the sum of money is extinguished. The hypothec is cancelled upon the filing of an application therefor, in authentic form en minute, made by any interested person.

When a surface right in a mining concession has been transferred by a deed of sale, every clause respecting a right of repossession, every clause waiving liability for damage sustained in consequence of the carrying out of mining work and every clause granting to the holder of a mining concession more rights with respect to the surface owner than those relating to the mining operations and granted to him by this act shall be deemed not written in such deed.

1970, c. 27, s. 26; 1977, c. 31, s. 13; 1983, c. 54, s. 50.

130. *When the Minister authorizes the holder of a mining lease or mining concession to dispose of lots, he may compel him to pay a portion of the price into the consolidated revenue fund and a portion into the municipal fund provided for in section 131.*

1965 (1st sess.), c. 34, s. 131; 1979, c. 81, s. 20; 1983, c. 57, s. 131.

131. *The amounts paid into the municipal fund shall be used to assist in the organization of a municipality, to facilitate the disposal of lands or indemnify those who may have rights therein.*

The municipal fund shall be held in trust by the Minister of Finance and administered by the Minister of Energy and Resources and the Minister of Municipal Affairs, who may determine the use thereof.

1965 (1st sess.), c. 34, s. 132; 1979, c. 81, s. 20.

132. *The Government, without being obliged to pay any indemnity to the holders of claims or development licences, may provide for the establishing on lands in the public domain:*

- (a) of mining villages or mining towns;*
- (b) of grounds to receive waste material from operations;*
- (c) of sites for mills and workshops;*
- (d) of all installations necessary for mining operations.*

For such purposes, it may dispose of any tract of land at such prices and upon such conditions as it deems expedient.

It may allocate part of the price to the municipal fund provided for in section 131.

1965 (1st sess.), c. 34, s. 133; 1987, c. 23, s. 76.

133. *Any person to whom a lot has been transferred with the authorization contemplated in section 125 shall be entitled to letters patent which shall be issued in accordance with the Act respecting the lands in the*

public domain (chapter T-8.1) and shall not be liable to cancellation by reason of the revocation of the mining lease or mining concession.

1965 (1st sess.), c. 34, s. 134; 1968, c. 36, s. 7; 1987, c. 23, s. 97.

134. *No Crown land which is the subject of a claim or development licence may be sold, for colonization or other purposes, except on conditions deemed reasonable by the Minister and the Minister of Agriculture, Fisheries and Food or the Minister of Energy and Resources, as the case may be.*

1965 (1st sess.), c. 34, s. 135; 1973, c. 22, s. 22; 1979, c. 77, s. 21; 1979, c. 81, s. 20.

DIVISION XVI

PETROLEUM AND NATURAL GAS

135. *To use geophysical instruments prescribed by regulation in order to determine whether there exist conditions favourable to exploration for petroleum, natural gas or underground reservoirs, every person must hold a licence for using geophysical instruments.*

Such a licence shall be issued by the Minister upon the conditions fixed by regulation to any person who applies therefor; it shall be valid for one year from the date of its issue.

1970, c. 27, s. 27.

136. *To make or cause to be made a geophysical survey to determine whether there exist geological conditions favourable to exploration for petroleum, natural gas or underground reservoirs, every person must obtain a licence for geophysical surveying.*

Such a licence shall be issued by the Minister to every person who complies with the conditions determined by regulation. Section 49 shall apply to his decision.

Such licence shall authorize the holder thereof to make or cause to be made geophysical surveys in the territory specified therein.

1970, c. 27, s. 27.

137. *To explore for, develop and produce petroleum and natural gas belonging to the Crown, an exploration licence or an operating lease under this division must be obtained from the Minister.*

1965 (1st sess.), c. 34, s. 136.

138. *Such exploration licences and operating leases may be granted only to companies or firms authorized to carry on their business in Québec.*

1965 (1st sess.), c. 34, s. 137.

139. *An exploration licence gives the licensee the right to carry out, in the territory covered by it and, with the permission of the Minister, in any other neighbouring territory, exploration work for petroleum and natural gas, but not the right to extract the same and dispose thereof, except during a trial period of not more than thirty days.*

Nevertheless the licensee shall not drill a well or test hole without having obtained in each case a licence issued for such purpose by the Minister; the conditions on which such licence shall be issued shall be determined by regulation.

When the neighbouring territory is already covered by an exploration licence, the holder must, to obtain the permission of the Minister, establish that the proposed exploration work is necessary for a better knowledge of his territory.

1965 (1st sess.), c. 34, s. 138; 1968, c. 36, s. 8; 1970, c. 27, s. 28.

140. *The application for an exploration licence must be presented to the Minister in writing, accompanied by:*

- (a) a plan and description, in duplicate, showing clearly the limits of the territory covered by it;*
- (b) a declaration showing the nature and extent of the proposed work;*
- (c) a declaration establishing that the applicant is capable of effectively carrying out the work;*
- (d) the names and addresses of the applicant's directors and officers;*
- (e) the rental payable for the first year.*

If the licence is refused, the amount paid as rental shall be reimbursed.

1965 (1st sess.), c. 34, s. 139.

141. *An exploration licence is valid for five years from the date thereof.*

1965 (1st sess.), c. 34, s. 140.

142. *The land covered must be in one block and its area must not exceed twenty-five thousand hectares.*

1965 (1st sess.), c. 34, s. 141; 1977, c. 60, s. 87.

143. *The licensee shall pay to the Minister, before the beginning of each year, a rental of \$0.08 per hectare.*

1965 (1st sess.), c. 34, s. 142; 1977, c. 60, s. 88.

144. *The licensee must carry out or cause to be carried out, to the satisfaction of the Minister, in the territory covered by his licence, exploration work consisting of geological or geophysical surveys, tests or the drilling of wells or test holes, in conformity with the regulations, at the following cost:*

- (a) first year: \$0.50 per hectare; minimum, \$3 000;*
- (b) second year: \$1 per hectare; minimum, \$6 000;*
- (c) third year: \$1.50 per hectare; minimum, \$9 000;*
- (d) fourth year: \$2 per hectare; minimum, \$12 000;*
- (e) fifth year: \$2.50 per hectare; minimum, \$15 000.*

For the purposes of this section and of section 148, the Minister may accept as counting, in the same manner as work done in the territory covered by the licence, any work that the licensee has done or caused to be done outside the said territory, if the Minister deems that it was necessary or useful for exploration in the territory under licence.

In such a case, the licensee must furnish the Minister with all the samples, information, reports and other documents concerning such work as if it had been done in the territory covered by his licence.

1965 (1st sess.), c. 34, s. 143; 1968, c. 36, s. 9; 1970, c. 27, s. 29; 1977, c. 60, s. 89.

145. *The licensee must report on his work within 90 days of the end of each year, and comply with the regulations in force at the time of the issue of the licence and made under paragraphs e and i of section 296 and with the other regulations in force at the beginning of each year.*

The Government may by regulation reduce to the extent of 75% for the first year and 50% for each subsequent year the amount of the rental and the cost of the required work whenever a company or corporation duly authorized to carry on its operations in Québec holds five or more contiguous licences of a total area of at least one hundred thousand hectares in the electoral districts of Rimouski, Matapédia, Matane, Gaspé, Bonaventure, Rivière-du-Loup, Témiscouata and Îles-de-la-Madeleine, the Island of Anticosti, the St Lawrence River and Gulf in front of such districts, the territory of Abitibi and New Québec.

1965 (1st sess.), c. 34, s. 144; 1968, c. 36, s. 10; 1970, c. 27, s. 30; 1977, c. 60, s. 90.

146. *A licensee who has complied with the conditions of his licence to the satisfaction of the Minister, but has not discovered petroleum or natural gas in commercial quantities, may obtain five consecutive annual renewals, for the whole or part of the territory under licence, if he applies therefor in writing before expiration.*

1965 (1st sess.), c. 34, s. 145.

147. *The Minister shall grant the renewal on payment of the annual rental, which shall then be \$0.40 per hectare.*

1965 (1st sess.), c. 34, s. 146; 1977, c. 60, s. 91.

148. *The licensee must, during the period of each renewal, carry out or cause to be carried out, to the satisfaction of the Minister, in the territory covered by his licence or in any neighbouring territory determined in accordance with section 139, exploration work consisting of geological or geophysical surveys, tests or the drilling of wells or test holes, in conformity with the regulations, at the following cost: \$2.50 per hectare; minimum, \$20 000.*

1965 (1st sess.), c. 34, s. 147; 1968, c. 36, s. 11; 1970, c. 27, s. 31; 1977, c. 60, s. 92.

149. *He must report on his work each year, and comply with the regulations in force at the time of renewal and made under paragraphs e and i of section 296 and the other regulations in force at the beginning of each year.*

1965 (1st sess.), c. 34, s. 148; 1968, c. 36, s. 12.

150. *Failure to pay the rental within thirty days of the due date shall entail forfeiture of the licence.*

1965 (1st sess.), c. 34, s. 149.

151. *If expenditures in exploration work exceed the amount required to be spent during any year, such excess shall be applicable to subsequent years, provided that a detailed statement, certified by a chartered accountant, has been delivered in duplicate to the Minister within 90 days of the end of the year during which it was done.*

If the licensee has renounced part of the territory, the excess cost of work done prior to the renunciation shall be proportionally reduced.

1965 (1st sess.), c. 34, s. 150.

152. *If, for reasons deemed sufficient by the Minister, the licensee has not done the necessary work during any year, he may retain his licence on paying to the Minister, before the end of the year, in addition to the rental for the following year, an amount equal to the unexpended sum.*

However, a licensee who has not done the required work during the first year may, during the second year, do the required work for both years for an additional rental of \$0.15 per hectare.

In the latter case, he must deposit with the Minister an amount equal to the cost of the required work not done for those two years. Such amount shall be refunded to him at the end of the second year if the required work has been done to the satisfaction of the Minister.

1965 (1st sess.), c. 34, s. 151; 1970, c. 27, s. 32; 1977, c. 60, s. 93.

153. *On written application, the Minister may authorize in writing the holder of several exploration licences to group them together for the carrying out of exploration work.*

1965 (1st sess.), c. 34, s. 152.

154. *Such authorization shall be valid for one year only.*

1965 (1st sess.), c. 34, s. 153.

155. *Lands so grouped together must be contiguous or located partly within a radius of forty kilometres.*

1965 (1st sess.), c. 34, s. 154; 1977, c. 60, s. 94.

156. *The total area must not exceed seventy-five thousand hectares except in a case contemplated in the second paragraph of section 145, when it must not exceed two hundred and fifty thousand hectares.*

1965 (1st sess.), c. 34, s. 155; 1977, c. 60, s. 95.

157. *Exploration work done on any of the lands in the group shall be applied to all in proportion to the area of each.*

1965 (1st sess.), c. 34, s. 156.

158. *The Minister may permit the holder of an exploration licence to renounce it in whole or in part provided that:*

(a) he applies therefor in writing;

(b) the residual area, if any, be included within a single perimeter.

1965 (1st sess.), c. 34, s. 157.

159. *Partial renunciation does not reduce the work required for the current year.*

1965 (1st sess.), c. 34, s. 158.

160. *As soon as the holder of an exploration licence ascertains that petroleum or natural gas exists in the land under licence, he shall forthwith so notify the Minister.*

1965 (1st sess.), c. 34, s. 159.

161. *The holder of an exploration licence who discovers petroleum or natural gas in commercial quantities shall be entitled to obtain one or more operating leases of such land or lands as he may designate, to the extent of fifty per cent of the territory covered by his exploration licence, provided that:*

(a) he applies therefor in writing;

(b) he has complied with the conditions of his licence;

(c) the location, area and shape of the lands designated comply with sections 169 to 172 and the regulations.

1965 (1st sess.), c. 34, s. 160.

162. *The territory under an exploration licence shall be reduced by the area covered by the operating leases.*

1965 (1st sess.), c. 34, s. 161.

163. *The exploration licence shall expire when the operating leases granted attain the maximum and, in any case, it shall not be renewed after an operating lease has been obtained.*

1965 (1st sess.), c. 34, s. 162.

164. *The holder of an exploration licence shall be entitled to obtain, when necessary, upon written application to the Minister and payment of \$0.40 per hectare, a sufficient extension so that his licence shall remain in force six months from the day of the discovery of petroleum or natural gas in commercial quantities.*

1965 (1st sess.), c. 34, s. 163; 1977, c. 60, s. 96.

165. *If, after the discovery of petroleum or natural gas in commercial quantities, the holder of an exploration licence does not apply for an operating lease, the Minister may, in writing, require him to do so within ninety days, as regards land containing the discovery well within its perimeter and, failing such application, may cancel the licence.*

1965 (1st sess.), c. 34, s. 164.

166. *The expression “commercial quantities”, applied to a discovery of petroleum or natural gas, means a quantity obtained or anticipated which justifies the drilling of new wells in the vicinity of the discovery, taking into account the quality of the product, possible markets and other economic factors.*

1965 (1st sess.), c. 34, s. 165.

167. *An operating lease confers, in the land which is the subject thereof, the exclusive right to drill wells for petroleum and natural gas and to explore for and extract the same.*

Nevertheless the holder of an operating lease shall not drill a well or test hole without having obtained in each case a licence issued for such purpose by the Minister; the conditions on which such licence shall be issued shall be determined by regulation.

1965 (1st sess.), c. 34, s. 166; 1968, c. 36, s. 13.

168. *The application for an operating lease shall be accompanied by:*

- (a) a plan and description, in duplicate;*
- (b) the names and addresses of the directors and officers of the applicant;*
- (c) the rental payable for the first year.*

If the lease is refused, the amount paid as rental shall be reimbursed.

1965 (1st sess.), c. 34, s. 167.

169. *The land covered by an operating lease must be comprised within a single perimeter and, if possible, form a rectangle not more than twice as long as it is wide.*

The area must not be less than two hundred hectares, except by consent of the Minister, nor shall it exceed two thousand hectares.

1965 (1st sess.), c. 34, s. 168; 1977, c. 60, s. 97.

170. *In surveyed territory, the limits of the land under lease must coincide with those of the lots to an extent acceptable to the Minister and he may nevertheless require a survey thereof.*

1965 (1st sess.), c. 34, s. 169.

171. *In unsurveyed territory, the limits of the land covered by the lease must be determined by survey and indicated by boundary marks. They must run essentially from north to south and from east to west.*

Boundary marks shall not be required for land covered by water where the placing thereof is impracticable.

1965 (1st sess.), c. 34, s. 170.

172. *The land under lease shall include the roads, the islands and the beds of watercourses and lakes located within its perimeter.*

1965 (1st sess.), c. 34, s. 171.

173. *The term of the lease shall be twenty years.*

1965 (1st sess.), c. 34, s. 172.

174. *The holder shall pay to the Minister, before the beginning of each year of the lease, a rental of \$2.50 per hectare in addition to the royalties.*

1965 (1st sess.), c. 34, s. 173; 1977, c. 60, s. 98.

175. *If no well has been drilled in exploration for petroleum or natural gas on the land under lease while it was held under an exploration licence, the drilling thereof must be undertaken within the first year and carried on to the satisfaction of the Minister, who may extend such delay.*

1965 (1st sess.), c. 34, s. 174.

176. *The Minister, on written application, may authorize in writing the holder of several operating leases to group them together for the carrying out of drilling on the following conditions:*

(a) that the lands covered are located, in whole or in part, within a radius of twenty kilometres; and

(b) that the total area does not exceed four thousand hectares.

1965 (1st sess.), c. 34, s. 175; 1977, c. 60, s. 99.

177. *Land in which petroleum or natural gas is discovered in commercial quantities shall cease to form part of the group and the holder must within twelve months undertake the drilling of a well on one of the remaining lands or on a new group established in accordance with section 176 and carry on such drilling to the satisfaction of the Minister.*

1965 (1st sess.), c. 34, s. 176.

178. *After the discovery of petroleum or natural gas in commercial quantities, extraction thereof must be begun at once and carried on by processes conforming to the recognized practice of the petroleum industry.*

1965 (1st sess.), c. 34, s. 177.

179. *The holder of an operating lease must pay to the Minister the royalties fixed by regulation.*

Such royalties shall be not less than five per cent nor more than seventeen per cent of the market value at the well-head, of the petroleum and natural gas extracted and used, sold or otherwise alienated.

No royalties, however, shall be payable on petroleum or natural gas used on the spot by the holder of a lease for drilling or production purposes or upon flared natural gas.

1965 (1st sess.), c. 34, s. 178; 1968, c. 36, s. 14.

180. *The lessee shall furnish the Minister, within the first twenty-five days of each month, with a statement showing the quantity and value, at the well-head, of the petroleum or natural gas extracted or used, sold or otherwise alienated during the previous calendar month.*

He shall, at the same time, pay the Minister the royalties payable for such month.

1965 (1st sess.), c. 34, s. 179.

181. *If the lessee fails to make his report or to pay the royalties, the Minister may notify him in writing of the default and cancel the lease if the holder does not remedy the situation to the satisfaction of the Minister within thirty days.*

1965 (1st sess.), c. 34, s. 180.

182. *The lessee must also comply with the regulations in force on the date of the lease and made under paragraphs g and i of section 296 and with the other regulations in force at the beginning of each year.*

1965 (1st sess.), c. 34, s. 181; 1968, c. 36, s. 15.

183. *The lessee who has complied with the conditions of his operating lease shall be entitled to obtain a renewal thereof for three consecutive ten-year periods.*

He must apply therefor in writing to the Minister before the expiration.

1965 (1st sess.), c. 34, s. 182.

184. *A renewal shall be granted upon the conditions then in force.*

1965 (1st sess.), c. 34, s. 183.

185. *If at the expiration of the third renewal the land is still capable of yielding petroleum or natural gas in commercial quantities, the Government may grant a fourth renewal on such conditions as it determines.*

1965 (1st sess.), c. 34, s. 184.

186. *The Minister may permit the holder of an operating lease to renounce it in whole or in part, provided that:*

- (a) he applies therefor in writing;*
- (b) the residual area, if any, is comprised within a single perimeter approved by the Minister;*
- (c) the residual area is at least two hundred hectares, saving special authorization.*

1965 (1st sess.), c. 34, s. 185; 1977, c. 60, s. 100.

187. *Exploration licences and operating leases on lands abandoned by a holder of an exploration licence, and the operating leases on any available land designated by the Minister, may be obtained only by way of public tender.*

Notices calling for tenders shall be published in two consecutive numbers of the Gazette officielle du Québec, and elsewhere in the discretion of the Minister.

If, upon the expiry of the delays provided for in the notices, no tender has been submitted, the Minister may dispose of the land as if it had never been covered by an exploration licence or operating lease.

1965 (1st sess.), c. 34, s. 186; 1970, c. 27, s. 33.

188. *Saving the cases contemplated in sections 150, 165 and 181, whenever the holder of an exploration licence or of an operating lease fails to carry out his obligations, the Minister may notify him in writing of the default and cancel the licence or lease if the holder does not remedy the situation within ninety days.*

1965 (1st sess.), c. 34, s. 187.

189. *Every holder of a licence or operating lease must file with the Department a declaration stating the address of its principal place of business in Québec.*

Any notice, communication or document may be delivered or mailed to the address so stated.

1965 (1st sess.), c. 34, s. 188.

190. *The Minister may grant to an individual, upon conditions determined by regulation, a licence to use any natural gas discovered by such person on his land while drilling or digging a well for water.*

The holder of such a licence shall be entitled only to the gas contained within the overburden lying on the bed-rock and may utilize it only for his own domestic needs.

Every person who discovers natural gas on his land as a result of the drilling or digging of a well for water or otherwise shall notify the Minister without delay.

When natural gas so discovered puts any person or property in danger, the Minister may order the owner of the land to execute such works as are required to ensure the safety of such person or property or, if there is no other practical remedy, to seal off the well from which the natural gas is emanating, within such delay as he may fix, failing which the Minister may, at the cost of the owner of the land, execute such works or seal off the well.

1965 (1st sess.), c. 34, s. 189; 1977, c. 31, s. 14.

191. *No person shall drill a well or a test hole to explore for, develop or produce petroleum or natural gas not belonging to the Crown unless he has obtained in each case a licence issued for such purpose by the Minister; the conditions on which such licence shall be issued shall be determined by regulation.*

Every person who explores for, develops or produces petroleum or natural gas not belonging to the Crown shall report on his operations to the Minister within 90 days after the end of each year.

1968, c. 36, s. 16.

DIVISION XVII

UNDERGROUND RESERVOIRS

192. *To explore for or develop an underground reservoir belonging to the Crown, an exploration licence for underground reservoirs under this division must be obtained from the Minister.*

1968, c. 36, s. 16.

193. *To use an underground reservoir belonging to the Crown for storage or permanent disposal of mineral substances or industrial products or residues, a storage lease or a disposal licence under this division must be obtained from the Minister.*

1968, c. 36, s. 16.

194. *Such exploration licences for underground reservoirs, storage leases and disposal licences may be granted only to companies or firms duly authorized to carry on their business in Québec.*

The land covered by a licence must be in one block and its area must not exceed that fixed by regulation of the Government.

1968, c. 36, s. 16.

195. *An exploration licence for underground reservoirs gives the holder the right to carry out, in the territory covered by it, exploration for and development of underground reservoirs, but not the right to use them for storage or permanent disposal of mineral substances or industrial products or residues, except for a trial period determined by regulation.*

Nevertheless the holder shall not drill a well or test hole without having obtained in each case a licence issued for such purpose by the Minister; the Government shall determine by regulation the conditions upon which such licence shall be issued.

1968, c. 36, s. 16.

196. *The holder shall carry out or cause to be carried out, to the satisfaction of the Minister, in the territory covered by his licence, the works prescribed by regulation and report thereon to the Minister within 90 days after the end of each year, and comply with all other conditions prescribed by the regulations.*

1968, c. 36, s. 16.

197. *A holder of an exploration licence for underground reservoirs who has complied with the conditions of his licence to the satisfaction of the Minister, but has not discovered or has not been able to develop an underground reservoir, shall be entitled to obtain five consecutive annual renewals for the whole or part of the territory under licence, if he applies therefor in writing before expiration, and complies with the conditions prescribed by regulation.*

1968, c. 36, s. 16.

198. *As soon as a holder of an exploration licence for underground reservoirs ascertains that an underground reservoir exists or that petroleum or gas exists in the territory under licence, he shall forthwith so notify the Minister and give full details of the nature and location of the discoveries.*

1968, c. 36, s. 16.

199. *The holder of an exploration licence for underground reservoirs who discovers an underground reservoir or has terminated the development of such a reservoir shall be entitled to obtain a storage lease or a disposal licence for such underground reservoir provided that:*

(a) he applies therefor in writing, showing the nature of the substances, products or residues to be stored or disposed of in the reservoir for which he requests a storage lease or a disposal licence;

(b) he has complied with the conditions of his licence;

(c) the location, area and shape of the lands designated comply with the regulations.

1968, c. 36, s. 16.

200. *The territory under an exploration licence for underground reservoirs shall be reduced by the area covered by the storage leases and disposal licences.*

1968, c. 36, s. 16.

201. *A storage lease or disposal licence confers, in the land which is the subject thereof, the exclusive right to store or permanently to dispose of there, as the case may be, the mineral substances or industrial products or residues mentioned in the lease or licence.*

Nevertheless, the holder of a storage lease or disposal licence shall not drill a well or a test hole without having obtained in each case a licence issued for such purpose by the Minister. The Government shall determine, by regulation, the conditions upon which such licence shall be issued.

1968, c. 36, s. 16.

202. *In surveyed territory, the boundaries of the land under storage lease or disposal licence must coincide with those of the lots to an extent acceptable to the Minister and he may nevertheless require a survey thereof.*

1968, c. 36, s. 16.

203. *In unsurveyed territory, the boundaries of the land covered by the storage lease or disposal licence must be determined by survey and indicated by boundary marks; they must run essentially from north to south and from east to west.*

Boundary marks shall not be required for land covered by water where the placing thereof is impracticable.

1968, c. 36, s. 16.

204. *The land under storage lease or disposal licence shall include the roads, the islands and the beds of watercourses and lakes located within its perimeter.*

1968, c. 36, s. 16.

205. *The term of a storage lease shall be twenty years.*

1968, c. 36, s. 16.

206. *The holder of a storage lease or disposal licence shall pay to the Minister the rental determined by regulation, at the times and in the manner therein indicated.*

1968, c. 36, s. 16.

207. *The holder of a storage lease or disposal licence shall, as long as the storage or disposal operations are not terminated, furnish the Minister, within the first twenty-five days of each month, with a statement showing the nature and quantity of the mineral substances or industrial products or residues injected or withdrawn during the previous calendar month.*

1968, c. 36, s. 16.

208. *If the holder of a storage lease or disposal licence fails to make the reports or to pay the rental determined by the regulations, the Minister may notify him in writing of the default and cancel the lease or licence if the holder does not remedy the situation to the satisfaction of the Minister within thirty days.*

1968, c. 36, s. 16.

209. *The holder of a storage lease or disposal licence must also comply with all the conditions established by regulation.*

1968, c. 36, s. 16.

210. *Every holder of a storage lease or disposal licence must file with the Department a declaration stating the address of its principal place of business in Québec.*

Any notice, communication or document may be delivered or mailed to the address so stated.

1968, c. 36, s. 16.

211. *No person shall drill a well or test hole to explore for or develop an underground reservoir not belonging to the Crown or to use it for storage or permanent disposal of mineral substances or industrial products or residues unless he has obtained in each case a licence from the Minister; the conditions on which such a licence shall be issued shall be determined by regulation.*

Every person who explores for or develops an underground reservoir not belonging to the Crown or who uses it for storage or permanent disposal of mineral substances or industrial products or residues shall report on his operations to the Minister within 90 days after the end of each year.

1968, c. 36, s. 16.

DIVISION XVIII

BRINE

212. *To explore for, develop and exploit brine belonging to the Crown, an exploration licence for brine or an operating lease for brine must be obtained from the Minister.*

1970, c. 27, s. 34.

213. *Sections 138 to 144, the first paragraph of section 145, sections 146 to 159, 162 to 164, 166 to 168, 170 to 173, 179 to 186, 188, 189, 191, 198 and 206 shall apply mutatis mutandis to the exploration for and exploitation of brine.*

When a person applying for an exploration licence for brine or a renewal of such licence already holds an exploration licence for petroleum and natural gas respecting the same territory, the rental required for the obtention or renewal of the exploration licence for brine shall be fixed at one third of the rentals provided for in sections 143 and 147; the cost of the work required for the renewal of the exploration licence for brine shall in the same case be fixed at one quarter of that provided for in sections 144 and 148.

1970, c. 27, s. 34.

214. *The holder of such a licence who discovers brine in commercial quantities is entitled to obtain an operating lease on part of the land covered by licence the area of which shall be determined by regulation provided that:*

- (a) he applies for it in writing;*
- (b) he has complied with the conditions of his licence;*

(c) *the site, area and shape of the designated land comply with the regulations;*

(d) *he establishes in accordance with the regulations that his operations will be economically feasible and will not harm the development or exploitation of a discovery of petroleum or natural gas.*

1970, c. 27, s. 34.

215. *The Minister may refuse to grant an exploration licence or an operating lease for brine on any land which is already covered by an exploration licence or operating lease for petroleum or natural gas.*

1970, c. 27, s. 34.

216. *The Minister may cancel an exploration licence or operating lease for brine upon the application of the holder of an exploration licence or of an operating lease for petroleum and natural gas, provided that the latter establishes:*

(a) *that the exploration for or exploitation of brine is liable to harm the development or exploitation of a discovery of petroleum or natural gas made in his territory;*

(b) *that he has complied with the provisions of the order of the judge which were applicable to him under section 217 before the application for revocation or that he has made with the holder of the exploration licence or operating lease for brine an agreement respecting the indemnity.*

The Minister may also suspend the exploration licence or operating lease for brine for such period as he determines as soon as the holder complies with subparagraph a.

1970, c. 27, s. 34; 1986, c. 61, s. 19.

217. *The person who applies for revocation must indemnify the holder of the exploration licence or operating lease for brine by paying to him an amount fixed by agreement with him or, failing such an agreement, by a judge designated under section 309.1.*

In fixing the indemnity the latter shall, by an order, determine the mode of payment and the guarantees necessary to assure it.

1970, c. 27, s. 34; 1986, c. 61, s. 20.

DIVISION XIX

Replaced, 1982, c. 25, s. 42.

1982, c. 25, s. 42.

218. *(Replaced).*

1965 (1st sess.), c. 34, s. 190; 1982, c. 25, s. 42.

219. *(Replaced).*

1965 (1st sess.), c. 34, s. 191; 1982, c. 25, s. 42.

220. *(Replaced).*

1965 (1st sess.), c. 34, s. 192; 1982, c. 25, s. 42.

221. *(Replaced).*

1965 (1st sess.), c. 34, s. 193; 1982, c. 25, s. 42.

222. *(Replaced).*

1965 (1st sess.), c. 34, s. 194; 1982, c. 25, s. 42.

222.1. *(Replaced).*

1979, c. 49, s. 21; 1979, c. 81, s. 20; 1982, c. 25, s. 42.

DIVISION XX

TRANSFERS

223. *The holder of any mining concession, mining lease, development licence, claim, special exploration licence, exploration licence or operating lease may sell or otherwise transfer his rights.*

After the signing of the deed, a certified copy or a duplicate must be transmitted to the Minister who shall summarily register the same in a special register upon payment of the fees fixed by regulation.

1965 (1st sess.), c. 34, s. 195; 1983, c. 54, s. 51.

224. *All other deeds relating to any rights contemplated in section 223 may be registered upon the same conditions and in the same manner:*

1965 (1st sess.), c. 34, s. 196.

225. *Any unregistered deed shall be null as regards the Crown.*

1965 (1st sess.), c. 34, s. 197.

226. *If registration is effected within sixty days of the date of the deed, the latter shall take effect from its date, even against subsequent purchasers or transferees who have priority of registration.*

1965 (1st sess.), c. 34, s. 198.

DIVISION XXI

PRESCRIPTION

227. *Whoever has acquired mining land as a mining concession, by purchase, prescribes the ownership thereof by public and peaceable possession during ten years, saving, however, the rights of the Crown.*

1965 (1st sess.), c. 34, s. 199.

228. *Whoever has acquired, with title, mining rights in privately owned lands prescribes the ownership of such rights by public and peaceable possession, by himself and his predecessors in title, during thirty years, subject to the rights of the Crown. The registration of a title of acquisition of mining rights constitutes public possession for the purposes of such prescription.*

1965 (1st sess.), c. 34, s. 200.

229. *The provisions of sections 227 and 228 shall not be interpreted as affecting any prescription heretofore or hereafter otherwise acquired or incurred under the Civil Code, in respect of such mining lands or mining rights.*

Moreover, the provisions of the Civil Code respecting prescription shall apply to cases provided for in the said sections, saving the special provisions of the said sections.

1965 (1st sess.), c. 34, s. 201.

DIVISION XXII

REVOCATION

230. *The Minister may revoke any mining concession for failure to pay the tax provided for in section 114.*
1965 (1st sess.), c. 34, s. 202.

231. *Notice of the intention to revoke a concession shall be given by registered or certified mail to the owner at his last know address.*
1965 (1st sess.), c. 34, s. 203; 1975, c. 83, s. 84.

232. *The notice shall also be published in the Gazette officielle du Québec, and twice at an interval of seven days in a daily or weekly newspaper published in Montréal and in every judicial district in which the land affected by the revocation is wholly or partly situated.*
1965 (1st sess.), c. 34, s. 204; 1982, c. 27, s. 8.

233. *The Minister may revoke the mining concession ninety days after the forwarding of the notice and the last publication if the tax due and the cost of publication have not been paid in the meantime.*
1965 (1st sess.), c. 34, s. 205; 1982, c. 27, s. 8.

234. *The Government may revoke, upon an application by a municipality, the surface rights in the title of a mining concession which has not been operated for at least ten years, when it considers it necessary in the public interest for the development of a municipality.*

Notice of the intention to revoke such rights shall be given as set forth in section 231. If the owner does not reside in Québec or cannot be found, the notice shall be published in accordance with section 232.
1965 (1st sess.), c. 34, s. 206; 1970, c. 27, s. 35; 1977, c. 31, s. 15; 1982, c. 27, s. 8.

235. *The Government may effect the revocation ninety days after the forwarding of the notice and the last publication.*
1965 (1st sess.), c. 34, s. 207; 1982, c. 27, s. 8.

236. *A summary notice of the revocation shall be published in the Gazette officielle du Québec and the revocation takes effect on the date of such publication.*
1965 (1st sess.), c. 34, s. 208; 1982, c. 27, s. 8.

237. *The following rights are revoked in favour of the Crown from 15 September 1982:*

- (1) the mining rights included in any concession of land made in any township before 24 July 1880;*
- (2) the mining rights included in any concession of land contemplated in section 6;*
- (3) the rights to mines and to surface mines that do not form part of the public domain on lands granted in seigneurial tenure, whether or not such rights were transferred to a censitaire;*
- (4) the mining rights included in any mining concession for which letters patent were issued before 1 July 1911.*

1965 (1st sess.), c. 34, s. 209; 1982, c. 27, s. 8.

238. *The revocation does not apply to sand, gravel, building-stone and stone used for sculpture, limestone, calcite used as flux, millstones and grindstones, gypsum, common clay used in making building materials,*

firebrick, pottery, ceramic substances, mineral waters, infusory earths or tripoli, fuller's earth, peat, marl, ochre or soapstone.

1965 (1st sess.), c. 34, s. 210; 1982, c. 27, s. 8; 1982, c. 58, s. 46.

239. *The revocation does not apply*

(1) *to mining rights on land in which a deposit in operation on 6 May 1982 is situated;*

(2) *to mining rights on land in which an ore deposit is situated constituting a reserve necessary to secure the continuity of a mining, petroleum or gas undertaking carried on in Québec on 6 May 1982, provided that such rights are held by the operator of such undertaking and that he establishes that there are reasonable indications of a mineral deposit which can be economically developed;*

(3) *to mining rights that are covered by an option, a lease or a promise of sale on 6 May 1982.*

1965 (1st sess.), c. 34, s. 211; 1982, c. 27, s. 8.

240. *However, mining rights contemplated in paragraphs 1 and 2 of section 239 are revoked unless, within 180 days from 15 September 1982, the owner or operator files with the chief claims recorder a declaration containing*

(1) *his name and address and his qualifications as an operator or owner;*

(2) *the designation of the lot or parcel of land where the deposit in operation is situated or, as the case may be, where the reserves are established;*

(3) *the description of the extent of the deposit and its limits.*

In the case described in paragraph 2 of section 239, the owner or the operator must also furnish a report certified true by a mining engineer or a qualified geologist, describing the nature, extent and probable value of the deposit.

In the case described in paragraph 3 of section 239, the mining rights are revoked unless, within 180 days from 15 September 1982, one of the parties to the option, lease or promise of sale files the original or an authentic copy of the option, lease or promise of sale with the chief claims recorder.

1965 (1st sess.), c. 34, s. 212; 1982, c. 27, s. 8.

240.1. *A person whose mining rights have been revoked in accordance with section 237 or 240 is entitled, as a compensation, to a royalty equal to*

(1) *3% of the market value, at the well-head, of the petroleum and natural gas and the other mineral substances associated with them, derived from land on which the mining rights have been revoked;*

(2) *5% of the annual profit derived from the operation of any other mineral substance derived from land on which the mining rights have been revoked.*

The profit derived from such other mineral substances is computed according to the rules established in Chapter III of the Mining Duties Act (chapter D-15).

1982, c. 27, s. 8.

240.2. *Any loss resulting from the application of Chapter III of the Mining Duties Act (chapter D-15) must be deducted from the profits made during the four years following the year in which the loss was incurred; such loss must first be deducted from all the profits made during the year nearest to the loss, before being*

applied in the same manner to the subsequent years; if the aggregate of the profits for the four years is less than the loss, the residual balance of the loss is not deducted.

1982, c. 27, s. 8.

240.3. *The royalty is payable by the operator and remitted to the Minister within the first 25 days of each month in the case of mineral substances contemplated in subparagraph 1 of the first paragraph of section 240.1, or on the dates fixed by section 46 of the Mining Duties Act (chapter D-15) in the case of mineral substances contemplated in subparagraph 2 of the said paragraph.*

1982, c. 27, s. 8.

240.4. *When a royalty becomes payable, the Minister shall publish a notice in the manner set forth in section 232 stating that a royalty is payable for the mining rights revoked on the lands designated in the notice.*

A person whose mining rights have been revoked must avail himself of his right to the royalty within two years from the date of the last publication of the notice.

1982, c. 27, s. 8.

240.5. *The Minister shall remit to the person whose mining rights have been revoked the royalties collected on his behalf on such dates as he may determine.*

In the case of a dispute regarding the right to the royalty or the rate thereof, the amount of the royalty shall be deposited with the Minister of Finance as a judicial deposit pending a decision by a competent court.

1982, c. 27, s. 8.

240.6. *Every person must obtain from the Minister a special exploration licence to explore for and develop mineral substances, other than brine, petroleum, natural gas and the other mineral substances associated therewith, on land where a mining concession has been revoked under section 230 or on land included in the territory described in Schedule I,*

- (1) where the mining rights are revoked under section 237 or 240;*
- (2) where the mining rights belonged to the Crown before 15 September 1982.*

The Government may also open all or part of the land to staking.

1982, c. 27, s. 8.

240.7. *The form and tenor of an application for a special exploration licence and the requirements for its issue and renewal shall be determined by regulation.*

1982, c. 27, s. 8.

240.8. *A person whose mining rights have been revoked is entitled to obtain, to the exclusion of every other person, within 180 days from 15 September 1982, a special exploration licence covering the extent of his rights if he establishes that he has carried out, caused to be carried out or agreed to have carried out exploration, prospecting, or development work or profitability studies or any other exploration work on the land during the ten years preceding 6 May 1982.*

1982, c. 27, s. 8.

240.9. *The application must indicate the name and address of the applicant, establish his title as regards the revoked mining rights and give the designation of the land on which they are situated.*

The applicant must also furnish a report of the work listed in section 240.8, made in accordance with Division IX or, as the case may be, furnish evidence of an agreement designed to have such work done.

1982, c. 27, s. 8.

240.10. *The mining rights revoked under section 237 or 240 and situated within the limits of the territory covered by a claim, a licence or a lease granted under the Act, become an integral part of the claim, licence or lease, and are deemed to have always formed part thereof except as regards the mining rights covered by a special exploration licence under section 240.8.*

1982, c. 27, s. 8.

240.11. *The chief claims recorder must, within 60 days from receipt of a declaration contemplated in section 240, give notice thereof in the Gazette officielle du Québec and notify every person of his right to contest such declaration within 60 days from the date of publication of the notice by filing a motion before the competent court.*

1982, c. 27, s. 8.

240.12. *Every special licence issued following the revocation of a mining concession or mining rights before 15 September 1982 remains valid for the time for which it was granted.*

1982, c. 27, s. 8.

241. *The revocation of a mining concession shall not impair any surface ownership granted to a third party before the 24th of March 1937 or with the ministerial authorization required by the law in force from and after such date.*

Transfers of the right of surface ownership made before such date shall not be invalidated for lack of ministerial authorization.

1965 (1st sess.), c. 34, s. 213.

DIVISION XXIII

SURVEYS

242. *Any survey required to establish the official description of a parcel of land shall be entrusted to a land surveyor. In unsurveyed territory the surveyor must act according to the instructions of the Ministère de l'Énergie et des Ressources.*

1965 (1st sess.), c. 34, s. 214; 1977, c. 5, s. 14; 1979, c. 81, s. 20.

243. *The surveyor shall commence measuring at the northeast corner of the claim or group of claims, and shall then, so far as conditions permit, proceed southerly, then westerly, then northerly and finally easterly to the starting point, in all cases following the outside boundaries of the land to be measured.*

The lines between the stakes must be as straight as possible.

1965 (1st sess.), c. 34, s. 215.

244. *In the case of contiguous claims, the boundary of the older claim shall have priority.*

1965 (1st sess.), c. 34, s. 216.

245. *Every surveyor called upon to survey land held as one or more claims must, before starting such work, acquaint himself with the notice of the staking and the sketch or plan accompanying such notice.*

1965 (1st sess.), c. 34, s. 217.

246. *If, during the surveying of any claim, he discovers irregularities which may result in a dispute, the surveyor shall carefully note and describe them, and include such notes and description in the certificate which must accompany his plan.*

1965 (1st sess.), c. 34, s. 218.

247. *The surveyor's certificate shall be drawn up as follows:*

"I certify that I have made a careful examination of the land comprised within the limits of claim No. which I have surveyed, and have found nothing therein which leads to the belief or suspicion that such claim might become the subject of a dispute, except as follows: "

(remarks).

1965 (1st sess.), c. 34, s. 219.

248. *Every survey of a claim made under this act and accepted by the Minister shall remain in force and be deemed to be the true description of such claim until the claim lapses or the survey is cancelled by the Minister.*

1965 (1st sess.), c. 34, s. 220.

DIVISION XXIV

EXPROPRIATION

249. *No holder of a claim, development licence, special licence, special exploration licence, exploration licence, operating lease, exploration licence for underground reservoirs, storage lease, disposal licence, exploration permit, mining lease or mining concession and no owner of mining rights in private lands, may carry out any work on private lands without the consent of the surface owner, except by resorting to expropriation.*

1965 (1st sess.), c. 34, s. 221; 1968, c. 36, s. 17; 1970, c. 27, s. 36; 1982, c. 27, s. 9.

250. *Whosoever wishes to exercise mining rights on private lands may expropriate such temporary or perpetual servitudes as may be necessary for the exercise of his rights.*

He may also expropriate, in whole or in part, the land or buildings of the surface owner, if necessary for the exploitation of mineral substances.

1965 (1st sess.), c. 34, s. 222.

251. *The operator of a mine shall be entitled to obtain, by expropriation, from neighbouring owners and others, a right of way for the construction and maintenance of roads, cableways, railways, pipelines and electric transmission lines.*

He may also obtain in the same manner the right to use any land necessary for the establishment of deposits of waste and tailings, or for the construction of conduits required for conveying water necessary to the operation of the mine.

1965 (1st sess.), c. 34, s. 223.

252. *Before proceeding to expropriate, the operator shall submit to the Minister:*

- (a) a plan prepared by a surveyor showing the land required;*

(b) descriptive plans and reports prepared by an engineer indicating the nature and course of the proposed works.

1965 (1st sess.), c. 34, s. 224; 1968, c. 36, s. 18.

253. *In all the cases contemplated in this division, the right of expropriation is granted by the Government upon petition after notice to the owner.*

1968, c. 36, s. 19.

DIVISION XXV

WATERCOURSES AND DRAINAGE

254. *With the authorization of the Minister and on complying with all other applicable laws, the operator of a mine may improve and render navigable any watercourse, or construct a canal connecting watercourses for the development of a transportation route necessary to his operations.*

1965 (1st sess.), c. 34, s. 225.

255. *The operator of a mine may draw such water as is necessary for his operations or mining works from any source of supply he deems suitable, provided that he complies with the regulations established by the Government and does not prejudice the rights of other persons in the same sources of supply.*

1965 (1st sess.), c. 34, s. 226.

256. *In order to permit the development and working of placers containing gold or other minerals, the Minister of Energy and Resources, upon petition, may grant the operator the right to divert the water of any river, brook or lake.*

The Minister of Energy and Resources, after hearing the parties and their witnesses following a suitable inquiry, may determine the conditions upon which such right shall be exercised and make any order necessary for the exercise thereof, the whole subject to the liability of the operator for all damages which may result from the diversion of the water.

1965 (1st sess.), c. 34, s. 227; 1973, c. 38, s. 138; 1979, c. 81, s. 20.

257. *The Minister, with the authorization of the Government, may cause peat-bogs and any other land to be drained to give access to the subjacent minerals and acquire for such purpose any servitude, either by agreement or by expropriation.*

1965 (1st sess.), c. 34, s. 228.

258. *The Government, upon such conditions as it may determine, may authorize the holder of mining rights in any land under a lake or watercourse to drain the water and remove the mud covering such land.*

1965 (1st sess.), c. 34, s. 229.

259. *Any person wishing to avail himself of section 258 shall deposit at the proper registry office a certified copy of the plans and specifications of the proposed works and cause a public notice to be posted up on the main door of the church of each parish in which the land affected is situated and give such other notice as the Minister may require.*

1965 (1st sess.), c. 34, s. 230.

260. *With the application for authorization, the petitioner shall submit for approval by the Government the plans and specifications of the proposed works.*

1965 (1st sess.), c. 34, s. 231.

261. *The Government shall not take into consideration the application for authorization until thirty days after the date of the prescribed deposit and notice.*

1965 (1st sess.), c. 34, s. 232.

262. *No person may hinder or restrict by way of injunction the carrying out of any works authorized under section 258 and which conform to the plans and specifications approved by the Government.*

Nevertheless, the holder of mining rights shall remain liable for any damage caused to others by the carrying out of such works.

1965 (1st sess.), c. 34, s. 233.

263. *Whosoever has obtained the authorization contemplated in section 258 shall have the right to expropriate the immoveables and real rights necessary for the carrying out of the works on complying with section 252.*

1965 (1st sess.), c. 34, s. 234.

DIVISION XXVI

MINING ROADS

264. *To facilitate the exploration and operation of mines, the Minister of Transport, with the approval of the Government, may open, build, improve and maintain, in such manner as it deems suitable, partly or wholly at the cost of Québec, roads, bridges or other public works deemed necessary:*

(a) on any lands in the public domain, including those held under timber-cutting licence or under claim, development licence, exploration licence, operating lease, exploration permit, exploration licence for underground reservoirs, storage lease, disposal licence, mining lease or mining concession, without having to pay any indemnity;

(b) on any other land, whoever may be the owners or occupants, after previous acquisition by agreement or expropriation.

1965 (1st sess.), c. 34, s. 235; 1968, c. 36, s. 20; 1972, c. 54, s. 22; 1987, c. 23, s. 76.

265. *In order to reserve the land, the Minister of Transport shall transmit to the Minister of Energy and Resources a plan of the roads so proposed on lands in the public domain, and he shall also give notice thereof to the timber limit holder, if any.*

1965 (1st sess.), c. 34, s. 236; 1972, c. 54, s. 23; 1979, c. 81, s. 20; 1987, c. 23, s. 76.

266. *Every road so traced, opened, built, improved or maintained shall be designated by the name of “mining road”.*

1965 (1st sess.), c. 34, s. 237.

267. *For the purposes contemplated in section 264, the Minister of Transport may acquire by agreement or expropriation:*

(a) the land required for the proposed works;

(b) any land containing sand, gravel or stone required for such work;

(c) any temporary rights of way over the land between a mining road and the neighbouring watercourses or the places whence sand, gravel or stone are taken.

1965 (1st sess.), c. 34, s. 238; 1972, c. 54, s. 24.

268. *The Minister of Transport is fully empowered to remove from the sites of mining roads and their vicinity the timber, stone, earth, gravel and sand necessary for the construction and maintenance thereof and to cut down all trees within a distance of ten metres from both sides of the site, without being obliged to pay any indemnity.*

Nevertheless, such right shall not be exercised on land contemplated by sub-paragraph b of section 264 except after acquisition by the Minister of Transport, by agreement or expropriation.

In the case of lands in the public domain under timber-cutting licence, the right to cut timber cannot be exercised, without the authorization of the Minister of Energy and Resources, outside the site of a mining road and the required clearing.

1965 (1st sess.), c. 34, s. 239; 1972, c. 54, s. 25; 1977, c. 60, s. 101; 1979, c. 81, s. 20; 1987, c. 23, s. 76.

269. *Municipalities may regulate by procès-verbal or by-law any road, bridge or other work built by the Minister of Transport in their territory under this Division, but they cannot order the closing thereof without the permission of the Minister of Transport.*

1965 (1st sess.), c. 34, s. 240; 1972, c. 54, s. 26.

270. *The Minister of Energy and Resources, instead of the Minister of Transport, shall exercise the powers provided in sections 264 to 269, respecting secondary mining roads determined by the Government.*

However, the plans and construction standards of such roads must be approved by the Minister of Transport.

1972, c. 54, s. 27; 1979, c. 81, s. 20.

DIVISION XXVII

DAMAGES

271. *Except under authorization obtained in accordance with division XXV, no holder of mining rights or operator of a mine shall cause any wrong or damage to the occupant of other mining land, by throwing earth, clay, stones or other materials upon such other land, or by causing or allowing any water to flow onto the same, under penalty of the fine mentioned in section 303 in addition to any damage caused.*

1965 (1st sess.), c. 34, s. 242.

272. *Every operator of a mine, concentrator, smelter or refinery must, before commencing operations, have his rejected materials management system approved by the Minister.*

1965 (1st sess.), c. 34, s. 243; 1977, c. 31, s. 16.

273. *For the purposes of section 272, every operator must supply the Minister with the documents and plans prescribed by regulation.*

1965 (1st sess.), c. 34, s. 244; 1977, c. 31, s. 17.

274. *If the Minister considers that the operator's rejected materials management system, even after it has been approved, may be the proximate or remote cause of damage to the occupants of properties in the*

surrounding region, he may by written notice require the execution of such works as he may deem expedient or necessary to avoid any damage.

1965 (1st sess.), c. 34, s. 245; 1977, c. 31, s. 17.

275. *The Minister may by written notice compel any operator to execute such works as he deems necessary to prevent damage caused by rejected materials deposited before approval of the management system.*

1965 (1st sess.), c. 34, s. 246; 1977, c. 31, s. 17.

276. *If the operator does not comply with the written notice of the Minister within the ensuing ninety days, the latter may order the operator to cease his mining operations and cause any works deemed necessary to be executed at the operator's expense.*

1965 (1st sess.), c. 34, s. 247.

277. *Any person suffering damage to his property, or whose rights are prejudiced in consequence of mining work, shall be entitled to an indemnity from the person responsible for such work, in accordance with the laws of Québec.*

1965 (1st sess.), c. 34, s. 248.

DIVISION XXVIII

REPORTS AND PLANS

278. *Every operator or manager of a mine shall, within ten days following the commencement of his mining operations or their resumption after a suspension of six months or more, send a written notice to the Minister stating:*

- (a) the name of the mine and the name and address of the operator;*
- (b) the name and address of the manager or of the person to whom notices under this act must be given;*
- (c) the situation and description of the land where the work is carried out;*
- (d) the nature of the mining operations.*

1965 (1st sess.), c. 34, s. 249.

279. *The Minister shall be notified forthwith of any change in the name or address of the person who is to receive the notices required by this act, and of any change of operator or manager and of any suspension of mining operations.*

From the information so received or obtained from other sources, the Minister shall prepare and keep up to date a list of all operating mines in Québec, with the name and address of each operator, and other particulars, including the name and address of the person who is to receive the notices contemplated by this act.

Such notices shall be deemed validly given or served if sent by registered or certified mail to the person indicated and to the address given for purposes of service, or, if such name and address have not been given, if sent by registered or certified mail to the address where they are deemed most likely to reach the person for whom they are intended.

1965 (1st sess.), c. 34, s. 250; 1975, c. 83, s. 84.

280. *Every operator of a mine and every contractor engaged in mining operations shall, within the first twenty-five days of January in each year, file a declaration of his operations during the past calendar year, stating the quantity of ore extracted, its value at the mine, the quantity and value of the marketable products, the number of workmen employed, the total amount of wages paid, the nature of the development work performed and any other information that the Minister sees fit to require.*

The same persons shall, at the request of the Minister, file a similar declaration at the end of each month or each quarter.

In the event of the bankruptcy or winding-up of a mine operator, the trustee or liquidator must furnish the Minister, on request, with the above information.

1965 (1st sess.), c. 34, s. 251.

281. (1) *Every operator and every holder of mining rights engaged in underground mining exploration work shall keep up to date:*

(a) *an exact surface plan showing the boundaries of his land, the watercourses, roads, railways, electric transmission lines, shafts and adits, buildings and other installations, deposits of tailings and rock outcrops and all other surface works executed;*

(b) *plans of the underground workings showing, for each level, the drifts and cross-cuts as well as the shafts and raises, shelters, safety exits and all means of communication with other mines and including vertical sections showing the position of the underground workings in relation to the surface of the ground and that of the bed-rock;*

(c) *plans illustrating the direction and volume of the principal displacements of air, and the location of ventilators, fire or ventilation doors and ventilation stoppings.*

(2) *Every operator shall keep up to date plans showing exactly the geological and geophysical observations and the taking of samples with their metal or mineral content as determined by test or assay.*

(3) *The plans contemplated in subsections 1 and 2 shall be made to a scale approved by the Minister.*

(4) *The Minister may require of an operator and of any holder of mining rights carrying on exploration work any plan necessary for a better knowledge of the deposits and the work done in the mine for the protection of workmen.*

(5) *The operator shall keep a register of all the borings effected. Such register shall show for each boring the location, direction and inclination of the holes, the nature of the rocks traversed, the samples taken and the nature thereof.*

(6) *The inspectors, engineers or geologists of the Department and the other authorized representatives of the Minister shall have free access to such plans and registers. They may take notes and summaries or copies thereof in the discharge of their duties.*

1965 (1st sess.), c. 34, s. 252; 1968, c. 36, s. 21.

282. *For each mine comprising underground workings, the operator must deliver to the Minister, on or before the 1st of February each year, a complete set of the plans contemplated in sub-paragraphs a, b and c of subsection 1 of section 281 for all workings existing in the mine on the 31st of December of the preceding year, or a complete set of certified copies of such plans made to a scale approved by the Minister.*

1965 (1st sess.), c. 34, s. 253; 1968, c. 36, s. 22.

283. *In the event of suspension of work in a mine for a month or more, the operator must forward to the Minister within a delay of two months a certified copy of the plans of the underground workings, of the surface installations and deposits of tailings existing at the date of cessation of work.*

1965 (1st sess.), c. 34, s. 254.

284. *The plans and surveys so furnished to the Minister shall be considered as confidential information for the exclusive use of the officers of the Department.*

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person has a right of access to the plans and surveys unless the Minister decides otherwise.

1965 (1st sess.), c. 34, s. 255; 1987, c. 68, s. 88.

DIVISION XXIX

Repealed, 1979, c. 63, s. 292.

1979, c. 63, s. 292.

285. *(Repealed).*

1965 (1st sess.), c. 34, s. 256; 1979, c. 63, s. 292.

286. *(Repealed).*

1965 (1st sess.), c. 34, s. 257; 1979, c. 63, s. 292.

287. *(Repealed).*

1965 (1st sess.), c. 34, s. 258; 1979, c. 63, s. 292.

288. *(Repealed).*

1965 (1st sess.), c. 34, s. 260; 1968, c. 36, s. 23; 1979, c. 63, s. 292.

289. *(Repealed).*

1965 (1st sess.), c. 34, s. 261; 1979, c. 63, s. 292.

290. *(Repealed).*

1965 (1st sess.), c. 34, s. 262; 1977, c. 31, s. 19; 1979, c. 63, s. 292.

291. *(Repealed).*

1965 (1st sess.), c. 34, s. 263; 1977, c. 31, s. 20; 1979, c. 63, s. 292.

292. *(Repealed).*

1965 (1st sess.), c. 34, s. 264; 1979, c. 63, s. 292.

293. *(Repealed).*

1965 (1st sess.), c. 34, s. 265; 1979, c. 63, s. 292.

294. *(Repealed).*

1965 (1st sess.), c. 34, s. 266; 1979, c. 63, s. 292.

295. *(Repealed).*

1965 (1st sess.), c. 34, s. 267; 1977, c. 31, s. 21; 1979, c. 63, s. 292.

DIVISION XXX

REGULATIONS

296. *The Government may make regulations to:*

(a) prescribe the conditions under which the required work must be reported in order to be counted within the meaning of Division IX;

(b) reserve to the Crown in the territory of a mining concession any additional area deemed necessary for the development and utilization of water power under section 118;

(c) establish the conditions on which the Minister may dispose of the right of working sand and gravel deposits;

(d) prescribe the work contemplated in sections 144 and 148 which the Minister may accept for the purposes of those sections;

(e) prescribe the conditions for exploration licences under section 145, the form and tenor of applications for exploration licences, the qualifications required of any person applying for such a licence, the evidence of solvency he must furnish, the amounts of money that the Minister may require to be deposited in his hands to secure the carrying out of the work that the holder is bound to perform and the conditions for the renewal of such licences under section 149;

(f) prescribe the form and tenor of applications for exploration licences for underground reservoirs and exploration licences for brine, the qualifications required of any person applying for such licences, the evidence of solvency he must furnish, the amounts of money that the Minister may require to be deposited in his hands to secure the carrying out of the obligations of the licensee, the documents that must accompany applications for licences and the information that may be required, the tenor and duration of such licences, the conditions upon which they may be transferred, the rental payable by a licensee, the conditions that such licences may embody and those upon which they may be renewed or renounced, the standards of safety and health that must be maintained for the protection of the public, the works and tests that must be carried out by the licensee, the reports that he must make and the form and tenor of such reports;

(g) prescribe the conditions of operating leases under sections 179 and 182, the form and tenor of applications for storage leases and disposal licences and for operating leases for brine, the information that may be required and the documents that must accompany such applications, the form and tenor of storage leases and disposal licences and of operating leases for brine, the duration thereof, the total land area that they may cover, the rental that may be required of the holders of storage leases, disposal licences and operating leases for brine, the conditions that storage leases, disposal licences and operating leases for brine may embody, the standards of safety and health that must be maintained for the protection of the public, the description of the lands that may be covered by operating leases, storage leases, disposal licences and operating leases for brine, the conditions upon which such leases or licences may be renewed or upon which the holders thereof may renounce or transfer them and the reports that they must make;

(h) prescribe the conditions of licences to use natural gas under section 190;

(i) regulate the conservation of petroleum, natural gas and any other liquid or gaseous substance;

(j) *prescribe the conditions on which drilling licences may be issued under sections 139, 167, 191, 195, 201, 211 and 213, and the methods of drilling to be employed;*

(k) *reserve and withdraw from staking any land which, in its opinion, may be necessary for the establishment of mining, industrial, seaport or airport facilities, the construction of means or lines of transport or communications, underground conduits, the development of water power, storage or underground reservoirs, the creation of parks or reserves and any other purposes it considers in the public interest;*

(l) *regulate the use of watercourses for mining purposes under section 255;*

(m) *(paragraph repealed);*

(n) *prescribe the documents and plans that must be supplied to the Minister by every operator pursuant to section 273;*

(o) *(paragraph repealed);*

(p) *prescribe the safety measures that must be taken where a mine ceases operations or is no longer in operation;*

(q) *fix the tariff of disbursements and fees in matters submitted to the Court of Québec in accordance with Division XXXIII;*

(r) *prescribe what borings and tests must be made by the holder of an exploration licence for petroleum and natural gas, an exploration licence for underground reservoirs, a boring or drilling licence for underground water, a disposal licence, an operating lease or a storage lease, an exploration licence for brine or an operating lease for brine, as well as the specimens of minerals that he must take and of which samples must be kept or forwarded to the Minister for examination, and the methods to be followed in identifying, labelling and forwarding such samples;*

(s) *prescribe what books, logs and records an operator or drilling licence holder must keep and the notices and reports he must furnish to the Minister, in addition to those contemplated by this act, in relation to the operation of a mine;*

(t) *prescribe the conditions for issuing licences for geophysical surveying and licences for using geophysical instruments;*

(u) *determine the categories and the conditions of issue or revocation of special exploration licences required under section 240.6, the form and tenor of applications for licences, the information that may be required and the documents that must accompany such applications, the qualifications required of any person applying for such licences, the evidence of solvency he must furnish, the nature of the work the licence holder is bound to carry out and the expenditures such work must involve, the amounts of money that the Minister may require to be deposited as security for the carrying out of the work, the duration of the licences, the maximum number of licences that a person may hold, the total land area that they may cover, the rental that may be required of the licence holders, the conditions upon which such licences may be renewed or upon which the holders thereof may renounce or transfer them, and the reports that they must make;*

(v) *fix the duties and fees payable under sections 223 and 332.*

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), a regulation made under any of paragraphs e to h, j, n or s of the first paragraph may prohibit or limit, according to the conditions specified therein, access to documents held within the scope of its application.

1965 (1st sess.), c. 34, s. 268; 1968, c. 36, s. 24; 1970, c. 27, s. 37; 1977, c. 31, s. 22; 1979, c. 63, s. 293; 1982, c. 25, s. 43; 1982, c. 27, s. 10; 1982, c. 58, s. 47; 1983, c. 54, s. 52; 1986, c. 61, s. 21; 1987, c. 68, s. 89; 1988, c. 21, s. 66.

297. *Every regulation made under this act shall have force of law after publication in the Gazette officielle du Québec.*

1965 (1st sess.), c. 34, s. 269.

298. *Notwithstanding any provision to the contrary, the Government may make regulations authorizing the Minister to issue exploration permits to explore for mineral substances, except petroleum and natural gas, upon such conditions as it may determine:*

(a) in the territory of New Québec, with the following restrictions:

i. the territory covered shall not be less than 65 nor more than 400 square kilometres;

ii. the duration of such licence shall not exceed ten years;

iii. the annual rental shall not be less than \$60 per square kilometre;

(b) in alluvial deposits throughout Québec, with the same restrictions except with respect to the minimum area of the territory covered, which shall not be less than 2 square kilometres;

(c) in rejected materials forming part of the public domain.

Notwithstanding any provision to the contrary, the Government may make regulations authorizing the Minister to issue exploration licences for petroleum and natural gas on such conditions as it determines, in the River and Gulf of St. Lawrence, and James Bay, Hudson's Bay, Hudson Strait and Ungava Bay.

1965 (1st sess.), c. 34, s. 270; 1968, c. 36, s. 25; 1977, c. 31, s. 24; 1977, c. 60, s. 102.

299. *Such licences shall be issued only to partnerships or companies duly authorized to carry on their operations in Québec.*

However, the permit provided for in subparagraph c of the first paragraph of section 298 may be issued to an individual.

1965 (1st sess.), c. 34, s. 271; 1970, c. 27, s. 38; 1977, c. 31, s. 25.

300. *The holder of an exploration permit shall be entitled to obtain for the duration thereof, without staking, mining leases for not more than one-tenth of the area covered by his permit, in the manner and on the conditions set out in Division X; but as regards alluvial deposits and rejected materials, the Government may allow a higher proportion.*

1965 (1st sess.), c. 34, s. 272; 1977, c. 31, s. 26.

DIVISION XXXI

ORDERS OF THE MINISTER

301. *The Minister may by order:*

(a) prescribe the forms to be used in the application of this act;

(b) reserve to the Crown any land on which it owns mining rights, for the purpose of mining inventory and exploration work;

(c) order the construction and maintenance of common walls or common roads between mining properties.

The Minister, before making an order under paragraph b, with respect to land situated in a reserved area or in an agricultural zone under the Act to preserve agricultural land (chapter P-41.1), shall obtain the advice of the Commission de protection du territoire agricole du Québec.

1977, c. 31, s. 27; 1978, c. 10, s. 109.

302. *Every order made in virtue of section 301 shall come into force on the date of its publication in the Gazette officielle du Québec.*

1977, c. 31, s. 27.

DIVISION XXXII

PENALTIES

303. *Every person who contravenes this Act or any regulation, or makes a false declaration, is guilty of an offence and, where no other penalty is provided, is liable in addition to costs, for each day on which the offence continues, to a fine of not less than \$125 nor more than \$1 150.*

1965 (1st sess.), c. 34, s. 273; 1983, c. 54, s. 53; 1986, c. 58, s. 63.

304. *Part I of the Summary Convictions Act shall apply to all prosecutions for infringements of this act.*

1965 (1st sess.), c. 34, s. 274.

305. *Actions for the recovery of royalties, fees, rentals or other sums due to the Crown, under this Act or any regulation, shall be brought by the Attorney General or by a person generally or specially authorized by him for that purpose.*

1965 (1st sess.), c. 34, s. 275; 1979, c. 81, s. 20; 1981, c. 23, s. 30.

305.1. *Any claim of the Crown exigible under this Act bears interest at the rate fixed under section 28 of the Act respecting the Ministère du Revenu (chapter M-31).*

1983, c. 54, s. 54.

DIVISION XXXIII

COURT OF QUÉBEC

1986, c. 61, s. 22; 1988, c. 21, s. 66.

306. *(Repealed).*

1965 (1st sess.), c. 17, s. 2; 1965 (1st sess.), c. 34, s. 276; 1970, c. 27, s. 39; 1986, c. 61, s. 23.

307. *(Repealed).*

1965 (1st sess.), c. 17, s. 2; 1965 (1st sess.), c. 34, s. 277; 1986, c. 61, s. 23.

308. *The Court of Québec shall have, to the exclusion of any other court, jurisdiction over all litigation respecting any rights, privileges or titles conferred by this Act or any regulation, or under this Act or any regulation.*

In particular, the Court of Québec shall have jurisdiction, to the exclusion of any other court, over all litigation respecting:

(a) *the existence, validity or forfeiture of any prospector's licence, claim, development licence, exploration licence, operating lease, exploration licence for underground reservoirs, storage lease, disposal licence, mining concession, mining lease, special licence, special exploration permit or exploration permit;*

(b) *the perimeter, boundaries and extent of the land covered by any of the above mentioned titles.*

1965 (1st sess.), c. 34, s. 278; 1968, c. 36, s. 26; 1982, c. 27, s. 11; 1986, c. 61, s. 24; 1988, c. 21, s. 66.

309. *The Court of Québec shall have jurisdiction over all matters within the competence of the Minister under this Act:*

(a) *By way of appeal in cases where an appeal lies;*

(b) *Upon a reference by the Minister in every case where the Minister deems it expedient.*

1965 (1st sess.), c. 34, s. 279; 1970, c. 27, s. 40; 1986, c. 61, s. 25; 1988, c. 21, s. 66.

309.1. *The chief judge of the Court of Québec shall designate one or more judges of that court to hear any litigation described in section 308 or 309.*

1986, c. 61, s. 26; 1988, c. 21, s. 66.

310. *In any matter of which he is seized, the judge may make an order prohibiting any party from doing any act which, in his opinion, ought not to be done before he has finally decided such matter and he may give any directives which he deems necessary to render his judgment effective.*

1965 (1st sess.), c. 34, s. 280; 1986, c. 61, s. 27.

311. *The judge may, in any matter referred to him, change the area of a claim in such proportion as he deems fair and make any order and issue any directive he deems necessary in respect thereof.*

1977, c. 31, s. 28; 1986, c. 61, s. 27.

312. *The judge shall not have power to amend or cancel letters patent and his jurisdiction over mining concessions shall extend only to those for which letters patent have not been issued.*

1965 (1st sess.), c. 34, s. 281; 1986, c. 61, s. 27.

313. *Every matter brought before the Court of Québec shall be commenced by a petition of the Minister or of an interested party, setting forth concisely, distinctly and in good faith the facts and the conclusions.*

Such petition must be sent to all the interested parties, including the Minister.

Service of the petition shall be made by sending copy thereof by registered or certified mail.

1965 (1st sess.), c. 34, s. 282; 1977, c. 31, s. 29; 1986, c. 61, s. 28; 1988, c. 21, s. 66.

314. *The petitioner must send the original of his petition to the chief judge of the Court of Québec by registered or certified mail, and must attach thereto the notices of receipt or delivery proving service thereof.*

1965 (1st sess.), c. 34, s. 283; 1977, c. 31, s. 30; 1986, c. 61, s. 29; 1988, c. 21, s. 66.

315. *The judge may order the filing of documents or objects, written particulars or pleadings, allow examinations on discovery, references to experts or amendments and generally give any directive considered necessary with respect to procedure.*

1965 (1st sess.), c. 34, s. 284; 1986, c. 61, s. 27.

316. *If the judge deems the proceeding vexatious, or if it is brought by a petitioner who neither resides nor has a place of business in the Province, he may order him to furnish within a prescribed delay such security for costs as he deems proper.*

He may also dismiss the proceeding if it is not prosecuted with diligence.

1965 (1st sess.), c. 34, s. 285; 1986, c. 61, s. 27.

317. *The judge shall determine by order the place, day and hour for the hearing of the case and cause notice thereof to be given to the interested parties by registered or certified mail.*

1965 (1st sess.), c. 34, s. 286; 1975, c. 83, s. 84; 1986, c. 61, s. 27.

318. *The judge shall have all the powers, immunities and privileges of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37).*

1965 (1st sess.), c. 34, s. 287; 1986, c. 61, s. 27.

319. *The judge may visit the place involved in the litigation and render his judgment on such examination, or he may appoint a person to visit the place and receive as evidence the report thereof.*

With the consent of the parties, the judge may proceed entirely by means of a personal examination and, in such case, his decision shall be without appeal.

1965 (1st sess.), c. 34, s. 288; 1986, c. 61, s. 27.

320. *The decision of the judge shall not be invalidated by any informality.*

1965 (1st sess.), c. 34, s. 289; 1986, c. 61, s. 27.

321. *Hearings may be held elsewhere than in a court-house.*

1965 (1st sess.), c. 34, s. 290; 1986, c. 61, s. 30.

322. *(Repealed).*

1965 (1st sess.), c. 17, s. 2; 1965 (1st sess.), c. 34, s. 291; 1986, c. 61, s. 31.

323. *The judge may order the evidence to be taken down in shorthand or by means of a recording machine and the cost of such evidence shall then form part of the costs of the case; but it shall not be necessary to have the shorthand notes or the recording transcribed, save in the case of an appeal.*

1965 (1st sess.), c. 34, s. 292; 1986, c. 61, s. 27.

324. *The judge, in rendering final judgment, shall at the same time award costs in his discretion.*

The Government may make a tariff of disbursements and fees in matters submitted to the Court of Québec under this Act.

The fees and travelling expenses of witnesses shall be taxed according to the tariff of the Court of Québec.

1965 (1st sess.), c. 34, s. 293; 1986, c. 61, s. 32; 1988, c. 21, s. 66.

325. *The decision of the judge must state the reasons therefor.*

1965 (1st sess.), c. 34, s. 294; 1986, c. 61, s. 27.

326. *The orders and decisions of the judge and all other documents in the case shall be delivered to the Department which shall keep them on record and a copy of each decision shall be sent to all the parties by registered or certified mail.*

1965 (1st sess.), c. 34, s. 295; 1975, c. 83, s. 84; 1986, c. 61, s. 27.

327. *(Repealed).*

1965 (1st sess.), c. 34, s. 296; 1986, c. 61, s. 33.

328. *Save where otherwise provided, an appeal shall lie to the Court of Appeal in accordance with the rules of the Code of Civil Procedure, from any final decision of the Court of Québec rendered under this Act.*

Such appeal must be taken within thirty days from the date of the mailing of the copy of the decision sent to the parties under section 326.

1965 (1st sess.), c. 34, s. 297; 1974, c. 11, s. 2; 1986, c. 61, s. 34; 1988, c. 21, s. 66.

329. *For the purposes of such appeal, the chief claims recorder shall discharge the duties assigned to the clerk of the Court of Québec for appeals from such court.*

1965 (1st sess.), c. 34, s. 298; 1986, c. 61, s. 35; 1988, c. 21, s. 66.

DIVISION XXXIV

ADMINISTRATION

330. *It shall be the duty of every claims recorder to issue prospectors' licences, to acknowledge and register claims staked in the territory assigned to him and to perform any other duties prescribed for him by the Minister.*

1965 (1st sess.), c. 34, s. 299.

331. *The chief claims recorder shall supervise the issuance of prospectors' licences and the recording of claims and other titles to mining rights granted under this act and the renewal and transfer thereof, and shall discharge such other duties as the Minister assigns to him.*

1965 (1st sess.), c. 34, s. 300.

332. *Any person may obtain from the chief claims recorder a certificate of the entries in the registers of the Department respecting any claim, licence, mining lease or mining concession, upon payment of a fee fixed by regulation.*

The information contained in such entries is public information.

1965 (1st sess.), c. 34, s. 301; 1983, c. 54, s. 55; 1987, c. 68, s. 90.

333. *Every copy certified by the chief recorder of an entry in any register or of a document preserved in his office shall be authentic and shall have the same validity as the original.*

1965 (1st sess.), c. 34, s. 302.

334. *Mining inspectors must hold a degree in mining engineering or its equivalent, from a recognized university, and have practised their profession in the working of mines for at least five years after obtaining such degree.*

1965 (1st sess.), c. 34, s. 303.

335. *Geologists must hold a degree conferred by a recognized university after a specialized course in the geological sciences.*

1965 (1st sess.), c. 34, s. 304.

336. *Mining inspectors and claims recorders shall be ex officio justices of the peace to administer oaths.*

1965 (1st sess.), c. 34, s. 305.

337. *The Minister and the mining inspectors, geologists and mining engineers in his service may at any reasonable time enter, with their assistants, upon any land on which activities governed by this Act or by regulations made for the application of this Act are carried on to carry out their duties and perform the work assigned to them. They may require from the holders of mining rights and their employees all the facilities and assistance necessary for such purpose.*

Every person exercising the powers referred to in the first paragraph shall, on request, identify himself and produce a certificate of his capacity.

1965 (1st sess.), c. 34, s. 306; 1986, c. 95, s. 186.

338. *No officer or employee in the “energy” or “mining” sector of the Department may, directly or indirectly, have any rights or interest in any mine in Québec.*

Any person infringing this section shall be liable, on summary prosecution, to a fine not exceeding \$500 in addition to dismissal from office and annulment of the right or interest acquired in violation of this section.

1965 (1st sess.), c. 34, s. 307; 1981, c. 23, s. 31.

339. *(Repealed).*

1977, c. 31, s. 31; 1982, c. 58, s. 48.

340. (1) *Whenever any letters patent are incomplete, or contain any clerical error or incorrect name, or an incorrect description of the land granted, the Minister, if there be no claim to the contrary, may order that the faulty letters patent be cancelled and replaced by new ones duly corrected.*

(2) *Such corrected letters patent shall bear the same date as those cancelled, and shall have the same effect as if they had been issued on the date of issue of the cancelled letters patent.*

(3) *If the correction can be made easily on the letters patent without cancelling them, the Minister may do so and give notice thereof to the Provincial Registrar in order that such correction may also be made in the registration of such letters patent.*

1965 (1st sess.), c. 34, s. 308.

DIVISION XXXV



This Division ceased to have effect on 17 April 1987.

341. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

SCHEDULE I

(Sections 27 par. f, 240.6)

The limits of the territory are as follows:

From a northwest point situated in the Universal Transverse Mercator (UTM) zone 18, to the intersection between UTM lines 660 000 m E and 5 090 000 m N easterly to 690 000 m E, northerly to 5 120 000 m N, easterly to 720 000 m E, northerly to 5 150 000 m N, easterly across UTM zone 19 to 340 000 m E, southerly to the Canadian-American border, southwesterly and westerly following the Canadian-American border to UTM line 660 000 m E in the UTM zone 18, and thence northerly following UTM line 660 000 m E to the northwest point.

1982, c. 27, s. 12.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 34 of the statutes of 1965 (1st session), in force on 31 December 1977, is repealed, except sections 309 to 314, 316 and 317, effective from the coming into force of chapter M-13 of the Revised Statutes.