



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 182
(1998, chapter 24)

**An Act to amend the Mining Act and
the Act respecting the lands in the public
domain**

**Introduced 2 December 1997
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Assented to 17 June 1998**

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EXPLANATORY NOTES

The object of this bill is to make substantial changes to the mineral exploration licences and leases that may be granted under the Mining Act, and to phase out the ground-staking method for obtaining mineral claims; mining exploration licences and licences to explore for surface mineral substances will also be gradually withdrawn.

First, the bill gives the Minister of Natural Resources the power to indicate, on maps filed in the office of the registrar, the boundaries of the areas in which claims may be obtained by staking and the areas in which claims may be obtained by map designation; the maps will also fix the shape and area of a map designated claim. Under the bill, the Minister will have the power to modify the boundaries of each area from time to time so that, eventually, all claims will be obtained by the map designation method.

In addition, from the coming into force of the provisions to amend the sections of the Act dealing with mining exploration licences and licences to explore for surface mineral substances, no new licences will be issued by the Minister. From the same date, rights will be conferred by way of a claim.

The bill provides for a mechanism to facilitate the conversion of ground staked claims and licences to explore for surface mineral substances into map designated claims.

The bill harmonizes the rules relating to the granting of title over lands subject to mining rights with the rules contained in the Act respecting the lands in the public domain. It also validates certain titles granted even though not all the legal requirements were respected, and converts the emphyteutic leases still in force in mining towns into actual sales of land.

The bill makes amendments to the Mining Act in connection with the prospecting and development of petroleum and natural gas reserves and underground reservoirs. In this regard, the bill establishes a single licence to authorize exploration for petroleum, natural gas and underground reservoirs. It provides that exploration licences in certain zones in a marine environment, as delimited by ministerial order, will be issued following a call for tenders, and

that in such zones the Minister will be able to prescribe requirements and obligations that differ from the mineral rights relating to petroleum, natural gas and underground reservoirs.

The bill contains provisions that will allow exploration licences to be extended with ministerial authorization where the existence of a petroleum or natural gas deposit or an underground reservoir whose development is economically viable is demonstrated on the basis of sound evidence. The bill also introduces a measure to allow the period of validity of an exploration licence to be suspended, and a further measure to ensure that any application that relates to an area for which an exploration licence was in force less than 60 days previously will be refused.

Lastly, the bill contains a provision that suspends, until the coming into force of the new regime, the issue of licences in a marine environment to explore for petroleum, natural gas, brine or underground reservoirs for applications filed from the date of introduction of the bill. It also enacts transitional provisions and consequential amendments.

Bill 182

AN ACT TO AMEND THE MINING ACT AND THE ACT RESPECTING THE LANDS IN THE PUBLIC DOMAIN

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1 of the Mining Act (R.S.Q., chapter M-13.1) is amended

(1) by replacing the words “an exploration licence” in the third line of the definition of “to prospect” by the words “a licence to explore for petroleum, natural gas and underground reservoirs, an authorization to produce brine”, and by replacing the words “, natural gas or brine” in that definition by the words “or natural gas”;

(2) by replacing the definition of “surface mineral substances” by the following definition :

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

2. Section 8 of the said Act is amended

(1) by replacing the words “exploration licences for petroleum and natural gas” by the words “licences to explore for petroleum, natural gas and underground reservoirs”;

(2) by striking out the words “exploration licences for brine;” and “exploration licences for underground reservoirs;”;

(3) by replacing the words “leases to produce brine” by the words “authorizations to produce brine”.

3. Section 10 of the said Act is amended

(1) by replacing the words preceding the list of mining rights by the following :

“10. The following are exempt from registration at the registry office of the registration division:”;

(2) by replacing the words “exploration licences for petroleum and natural gas” by the words “licences to explore for petroleum, natural gas and underground reservoirs”;

(3) by striking out the words “exploration licences for brine;” and “licences to explore for underground reservoirs;”;

(4) by adding, at the end, the words “authorizations to produce brine”.

4. Section 12 of the said Act is repealed.

5. Section 14 of the said Act is replaced by the following section :

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

No such transfer or act, whether or not it is exempt from registration at the registry office of the registration division, may have effect against the Crown unless it has been registered in the public register of real and immovable mining rights.”

6. Section 15 of the said Act is repealed.

7. Section 22 of the said Act is replaced by the following section :

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

8. Section 28 of the said Act is replaced by the following section :

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

Map designation is prohibited in respect of any parcel of land within the boundaries of a territory where claims may be obtained by ground staking.

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

9. Section 29 of the said Act is amended by replacing the words “a mining concession or a mining lease or an application for a mining lease” in the second and third lines by the words “or any land that is subject to a mining

concession, a mining lease, an application for a mining lease or an application for a conversion of mining rights under subdivision 5 of Division III of this chapter”.

10. Section 31 of the said Act is repealed.

11. Section 32 of the said Act is amended

(1) by striking out the words “or designate on a map” in the second line;

(2) by striking out paragraph 3;

(3) by replacing paragraph 4 by the following paragraph:

“(4) reserved to the Crown by ministerial order pursuant to subparagraph 1 of the first paragraph of section 304;”.

12. Section 33 of the said Act is amended by replacing the words “, stake, or designate on a map” in the second line by the words “or stake”.

13. Section 34 of the said Act is amended

(1) by replacing the words “sections 72 to 81” in the second and third lines by the words “the provisions of this Act”;

(2) by adding, at the end, the following paragraph:

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

14. Section 35 of the said Act is amended by striking out the words “or designate on a map” in the first line.

15. Section 36 of the said Act is amended by replacing the words “registered in favour of a third person” in the second line of the first paragraph by the words “obtained by staking and registered in favour of a third person, except if the claim has already been converted into a map designated claim or if an application for conversion has been made.”

16. Section 37 of the said Act is repealed.

17. Section 38 of the said Act is amended

(1) by replacing the words “dont l’enregistrement a été refusé” in the second line of the first paragraph of the French text by the words “dont l’inscription a été refusée”, and by replacing the word “enregistrement” in the fifth line of the French text of the said paragraph by the word “inscription”;

(2) by replacing the words “receipt by the registrar of the written notice of abandonment” in the fifth and sixth lines of the first paragraph by the words “registration of the abandonment by the registrar”;

(3) by replacing the word “enregistrement” in the third line of the second paragraph of the French text by the word “inscription”;

(4) by replacing the word “enregistrement” in the first line of the last paragraph of the French text by the word “inscription”.

18. Section 41 of the said Act is repealed.

19. Section 42 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

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

(2) by replacing the words “or map designation may be staked or designated on a map” in the fourth line of the second paragraph by the words “may be staked”;

(3) by adding, after the second paragraph, the following paragraph:

“The area and shape of a parcel of land that may be the subject of a claim by way of map designation shall be determined by the Minister and shown on the maps kept at the office of the registrar.”

20. The said Act is amended by inserting, after section 42, the following sections:

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

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

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

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

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

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

“42.4. Any decision concerning the application of sections 42.1 and 42.2 may be made by the Minister, including a decision concerning the rules relating to the area of the parcel of land subject to a claim obtained by map designation or by conversion of a mining right, and the Minister may order, where necessary for the application of the said provisions, a survey of the parcels of land concerned.”

21. Section 43 of the said Act is repealed.

22. Section 44 of the said Act is amended by striking out the words “referred to in section 42” in the first line.

23. Section 46 of the said Act is amended

(1) by replacing the word “déposé” in the second line of the first paragraph of the French text by the word “présenté”, and by replacing the word “enregistré” in the fourth line of the first paragraph of the French text by the word “inscrit”;

(2) by striking out the second paragraph.

24. Section 47 of the said Act is replaced by the following section :

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

A notice of map designation may also be filed in person at a regional office designated by ministerial order. The notice shall then be forwarded to the office of the registrar for registration.”

25. Section 48 of the said Act, amended by section 353 of chapter 43 of the statutes of 1997, is again amended

(1) by replacing the words “prescribed by regulation, contain the information required therein” in the first and second lines by the words “supplied by the Minister, contain the information determined by regulation”;

(2) by striking out the words “or the limits of the mining sites referred to in paragraph 3 of section 32” in the third and fourth lines of paragraph 2.

26. Section 49 of the said Act is amended

(1) by replacing the words “prescribed by regulation, contain the information required therein” in the first and second lines by the words “supplied by the Minister, contain the information determined by regulation”;

(2) by replacing the second sentence by the following sentence: “The notice of map designation must be accompanied with a statement signed by the applicant to the effect that the information furnished is accurate.”

27. Section 50 of the said Act is amended

(1) by replacing the words “déposer, avant l’enregistrement” in the first line of the French text by the words “présenter, avant l’inscription”;

(2) by adding, at the end, the following paragraph:

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

28. Section 51 of the said Act is amended

(1) by striking out the figure “31,” in the second line of paragraph 2;

(2) by replacing paragraph 3 by the following paragraph:

“(3) where the notice relates to a parcel of land that has been staked in contravention of section 29, 30, 35 or 38 or the second paragraph of section 40;”;

(3) by adding, at the end, the following paragraph:

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

29. Section 52 of the said Act is amended

(1) by replacing the word “enregistré” in the first line of paragraph 1 of the French text by the word “inscrit”;

(2) by striking out paragraph 2;

(3) by replacing the words “, 35, 37, 38, 41 or 42” in the second line of paragraph 3 by the words “or 38”;

(4) by adding, at the end, the following paragraphs :

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

(1) from which mineral substances referred to in section 5 have been, or are being, extracted, except sand or gravel;

(2) for which authorization from the Minister would be required under section 32 or 33 were the parcel of land a parcel of land open for staking.

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

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

30. Section 56 of the said Act is amended

(1) by replacing the words “certificat d’enregistrement” in the second and third lines of the first paragraph of the French text by the words “certificat d’inscription”;

(2) by replacing the words “certificat d’enregistrement attestant l’existence du claim à compter de la date du dépôt de cet avis” in the second and third lines of the second paragraph of the French text by the words “certificat d’inscription attestant l’existence du claim à compter de la date de la présentation de cet avis”.

31. The said Act is amended by inserting, after section 60, the following section:

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

The notice of modification, accompanied with the map showing the new boundaries of the territories, must be filed and kept at the office of the registrar, and a copy of the notice must be posted in a conspicuous place at the office of the registrar.

The modification shall take effect on the date on which the notice of modification is filed at the office of the registrar. However, no such modification may affect the right of a person having staked a parcel of land before the date of filing of the notice to file a notice of staking for registration within the required time. In such a case, a corresponding modification shall be made to the map accompanying the notice of modification, except if the person agrees to a conversion into a map designated claim.”

32. Section 61 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

“61. Subject to the special rules set out in the first paragraph of section 83.3 for the conversion of mining rights into map designated claims following an application under section 83.2 or 83.6, the first term of a claim shall expire two years from the day the claim is registered, except where the date of expiry of a claim is changed following an application made under subdivision 6 of this division for the determination of a common claim expiry date or for the reduction of the term of a claim.”;

(2) by replacing subparagraph 1 of the second paragraph by the following subparagraph:

“(1) has applied for the renewal of the claim before its date of expiry or, on payment of the extra amount fixed by regulation, within the 15 days following its date of expiry. An application for renewal must be filed using the form supplied by the Minister and must contain the information determined by regulation;”;

(3) by replacing the word “enregistré” in the first line of the third paragraph of the French text by the word “inscrit”.

33. Section 63 of the said Act is amended

(1) by replacing the words “certain conditions” in the first line by the words “the conditions determined by the Minister”;

(2) by replacing paragraph 1 by the following paragraph:

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

34. Section 64 of the said Act is replaced by the following section:

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

(1) petroleum, natural gas and brine;

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

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

35. Section 66 of the said Act is amended by replacing the first paragraph by the following paragraph:

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

36. Section 69 of the said Act is amended by replacing the words “a greater quantity is required” in the first line of the second paragraph by the words “it is necessary to extract or dispatch a greater quantity of mineral substances, other than surface mineral substances,” and by inserting the word “such” after the word “of” in the second line of the second paragraph.

37. Section 72 of the said Act is amended by replacing the words “beyond one-fourth of that minimum cost” in the fifth and sixth lines of the first paragraph by the words “unless the work is performed within 48 months following the date on which the claim was registered”.

38. Section 73 of the said Act is replaced by the following section:

“73. Where the work to be performed by the holder of a claim has not been performed or reported within the time prescribed or where the work performed, on the expiry of the time prescribed, is not sufficient for the renewal of the claim, the claim holder may pay the Minister an amount equal

to the minimum cost of the work that should have been performed or reported or, where applicable, equal to the difference between that minimum cost and the cost of the work performed on the land and reported.”

39. Section 76 of the said Act is amended by replacing the words “if he does so sixty days or more before” in the first line of the first paragraph by “not later than fifteen days after the date of”.

40. Section 77 of the said Act is amended by replacing the first paragraph by the following paragraph:

“77. A claim holder who is also the holder of a mining lease or mining concession may, not later than fifteen days after the date of expiry of the claim to be renewed, apply all or part of the amounts spent to perform work in respect of the lease or concession to the claim to be renewed, provided that the total of all such amounts does not exceed one-fourth of the minimum cost of the work to be performed for the renewal of the claim and provided that the work was performed during the term of the claim and that all the land that is subject to the claim, lease or concession is included in a 3.2 kilometre square.”

41. Section 80 of the said Act is replaced by the following section:

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

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

42. Section 81 of the said Act is replaced by the following section:

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

However, where a claim obtained by staking is, during its first term, converted into one or more map designated claims following an application under section 83.2, the 24-month period shall be calculated with reference to the date of conversion, and the surveys and work referred to in the first paragraph may be applied, in a report, to the term immediately following the conversion.”

43. Section 83 of the said Act is amended by adding, at the end, the following sentence: “The claim is deemed to be abandoned on the day on which the registrar registers the abandonment in the public register of real and immovable mining rights.”

44. The said Act is amended by inserting, after section 83, the following subdivisions:

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

“83.1. Except with respect to a claim held on a parcel of land situated in Îles-de-la-Madeleine, the holder of a claim obtained by staking, held on a parcel of land staked in a lot of 500 hectares or less and situated in a township or seigniorie or in a block formerly subject to a mining lease or mining concession, may apply to the Minister for the conversion of the staked claim into a map designated claim.

The application for conversion must be filed using the form supplied by the Minister and contain the information prescribed by regulation.

The claim obtained by conversion shall replace the converted claim from the date of issue of the certificate of registration of the claim converted into a map designated claim. The map designated claim shall be deemed to exist from the same date as the converted claim; the unexpired portion of the term of the claim and the rights and obligations of the claim holder during the term of the claim shall remain unchanged.

“83.2. The holder of a claim obtained by staking with respect to a parcel of land situated in Îles-de-la-Madeleine or in any territory other than a territory referred to in section 83.1, may also apply to the Minister for the conversion of the staked claim into one or more map designated claims.

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

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

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

“83.3. The date of expiry of the claims converted into map designated claims shall be the date of expiry of the converted claims. However, where an application for conversion concerns more than one claim held on contiguous parcels of land, the Minister shall fix the date of expiry of the claims converted

into map designated claims by calculating, in the manner prescribed by regulation, the average unexpired portion of the terms of all the claims to be converted.

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

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

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

“83.6. The holder of a licence to explore for surface mineral substances in a territory that is subject to no claim or mining exploration licence may apply to the Minister for the conversion of the licence into one or more map designated claims.

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

The claims obtained by conversion shall replace the licence from the date of issue of the certificates of registration of the claims.

The rules set out in sections 83.3 to 83.5 for the conversion of claims obtained by staking with respect to parcels of land situated in a territory referred to in section 83.2, adapted as required, apply to conversions under this section.

“83.7. The holder of a licence to explore for surface mineral substances that relates to a territory all or part of which is also subject to a claim or mining exploration licence held by the same holder may, in accordance with section 139, abandon the rights held over the territory also subject to the claim or mining exploration licence and request that the excess amount disbursed for work performed on the territory subject to the licence to explore for surface mineral substances, or part of that excess amount, be applied to the terms for which the claim is renewed or to subsequent terms of the mining exploration licence.

Where all or part of the territory subject to the licence to explore for surface mineral substances is also subject to more than one claim or more than one mining exploration licence, the excess amount disbursed or the part of that excess amount shall be apportioned among them in proportion to their respective area.

Upon the abandonment of the rights held by the holder of the licence to explore for surface mineral substances over the part of the territory that is also subject to a claim or mining exploration licence, any licence to explore for surface mineral substances over the remaining part of the territory that is subject to no claim or mining exploration licence may be converted on application into one or more map designated claims in accordance with section 83.6.

“83.8. No licence to explore for surface mineral substances over a parcel of land all or part of which is also subject to a claim or mining exploration licence held by a third person may be converted.

“§6. — *Determination of common claim expiry date and reduction of term*

“83.9. A claim holder may apply to the Minister for the determination of a common expiry date in respect of the claims specified by the claim holder.

An application for the determination of a common expiry date must be made using the form supplied by the Minister and must contain the information and be accompanied with the fees fixed by regulation.

Only one application may be filed in respect of a given claim during a given term.

“83.10. The common date of expiry of the claims concerned is determined by calculating, in the manner prescribed by regulation, the average unexpired portion of the terms of all the claims concerned by the application.

“83.11. The claim holder may, in an application for the determination of a common expiry date, request that the Minister determine a date prior to the date calculated pursuant to section 83.10 as the new date of expiry of the claims concerned by the application.

“83.12. A claim holder may, at any time, apply to the Minister for the reduction of the term of a claim.

An application for the reduction of a term must be made using the form supplied by the Minister and must contain the information and be accompanied with the fees fixed by regulation.

“83.13. The determination of a common expiry date or the reduction of a term obtained following an application under this subdivision shall not affect the rights and obligations of the holder of the claims concerned by the application.”

45. Section 84 of the said Act is replaced by the following sections :

“84. This division applies to mining exploration licences issued before *(insert here the date of coming into force of section 45 of chapter 24 of the statutes of 1998)*.

Beginning on that date, no mining exploration licence may be issued for exploration in land situated to the north of the fifty-second degree of latitude.

“84.1. The holder of a mining exploration licence has an exclusive right to explore for mineral substances in the territory for which the licence is issued, with the exception of

(1) petroleum, natural gas and brine ;

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

(3) in the part of the territory also subject to a licence to explore for surface mineral substances or an exclusive right to mine surface mineral substances, every other surface mineral substance.”

46. Sections 85 to 89 of the said Act are repealed.

47. Section 91 of the said Act is amended by replacing the second paragraph by the following paragraph :

“The licensee shall also comply with any other condition imposed by the Minister, upon the issue of the licence, pursuant to section 34 or in the public interest.”

48. The said Act is amended by inserting, after section 92, the following section :

“92.1. A licensee who, pursuant to section 92, obtains one or more claims covering the whole territory for which the licence was issued may, on filing a notice of map designation, request that the excess amount disbursed for work performed in the territory for which the licence was issued be applied to the renewed terms of the claims, and that it be allocated to the claims in the manner and subject to the conditions prescribed by regulation.”

49. Section 101 of the said Act is amended by inserting the words “, unless it has already been entirely surveyed,” after the word “involved” in the second line of the second paragraph.

50. The said Act is amended by inserting, after section 101, the following section :

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

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

51. Section 104 of the said Act is amended by inserting the words “, by mere notice,” after the word “lease” in the first line of the second paragraph.

52. Sections 112 and 113 of the said Act are repealed.

53. Section 114 of the said Act is replaced by the following section :

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

54. Section 115 of the said Act is repealed.

55. The said Act is amended by inserting, after section 115, the following section :

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

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

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

56. Section 123 of the said Act is amended

(1) by replacing the word “enregistrer” in the third line of the first paragraph of the French text by the word “inscrire”;

(2) by replacing the words “Within thirty days from the expiry of the time prescribed in the first paragraph” in the first and second lines of the second paragraph by the word “Thereafter”;

(3) by striking out the third paragraph.

57. Section 126 of the said Act is amended

(1) by replacing the words “le régistrateur de la division d’enregistrement” in the first and second lines of the first paragraph of the French text by the words “l’officier de la publicité des droits de la circonscription foncière”;

(2) by replacing the words “enregistrées, avec renvoi au numéro d’enregistrement” in the second line of the second paragraph of the French text by the words “inscrites, avec renvoi au numéro d’inscription”.

58. Section 130 of the said Act is replaced by the following sections :

“130. This division applies to licences to explore for surface mineral substances issued before (*insert here the date of coming into force of section 58 of chapter 24 of the statutes of 1998*).

Beginning on that date, no licence to explore for surface mineral substances may be issued by the Minister.

“130.1. The holder of a licence to explore for surface mineral substances has an exclusive right to explore for surface mineral substances, except sand, other than silica sand used for industrial purposes, gravel, common clay and any other mineral substance found in its natural state in the form of a loose deposit, as well as inert mine tailings used for construction purposes, in the territory for which the licence is issued.”

59. Sections 131 to 133 of the said Act are repealed.

60. Section 135 of the said Act is replaced by the following section :

“135. The licensee shall comply with the conditions of the licence prescribed by regulation and any other conditions imposed by the Minister, upon the issue of the licence, pursuant to section 34 or in the public interest, or because of the existence of other mining rights affecting the territory for which the licence is issued.”

61. Section 136 of the said Act is amended by replacing the words “65 to 67 and 69 to 71” in the second line by the words “65 to 67, the first paragraph of section 69 and sections 70 and 71”.

62. Section 140 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: “Every person receiving such authorization must pay the duties and royalty fixed by regulation.”

63. Section 141 of the said Act is amended

(1) by inserting the words “every other mineral substance found in its natural state as a loose deposit, and” after the word “clay” in the third line of the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

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

64. Section 142 of the said Act is amended by adding, at the end of the third paragraph, the following sentence: “Moreover, no exclusive lease shall be granted where the land concerned is subject to a claim or mining exploration licence held by a third person, except for the part of the land subject to a licence to explore for surface mineral substances held by the applicant, unless the lease applied for is only for the mining of a surface mineral substance referred to in paragraph 2 of section 64 or 84.1 that is excluded from the exclusive right to explore for mineral substances granted to the holder under the claim or mining exploration licence.”

65. The said Act is amended by inserting, after section 142, the following section:

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

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

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

This section does not apply to an application for an exclusive lease to mine surface mineral substances on a parcel of land subject to a licence to explore for surface mineral substances held by the applicant, or to an application that concerns only the mining of a surface mineral substance referred to in paragraph 2 of section 64 that is excluded from the exclusive right to explore for mineral substances granted to the holder under the claim.”

66. Section 144 of the said Act is amended

(1) by replacing the words “paragraphs 1 and 4” in the second line of the first paragraph by the words “paragraphs 1, 4 and 5”;

(2) by adding, at the end of the first paragraph, the following sentence: “A lease may also be granted in respect of a parcel of land to the extent that it is open for map designation according to subparagraph 1 of the second paragraph of section 52 and subject to the conditions fixed pursuant to the third and fourth paragraphs of that section.”

67. Section 146 of the said Act is amended

(1) by replacing the word “industrial” in the third line of paragraph 1.1 by the word “an” and by replacing the words “or common clay” in the first line of that paragraph by “, common clay or a mineral substance found in its natural state as a loose deposit”;

(2) by inserting the words “paid the fees prescribed by regulation and” after the word “has” in the first line of paragraph 3.

68. Section 147 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

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

(2) by striking out the words “30 days or more” in subparagraph 1 of the second paragraph.

69. Section 148 of the said Act is amended

(1) by replacing the first sentence of the first paragraph by the following sentences: “The term of an exclusive lease fixed by the Minister may not exceed ten years. The Minister shall fix the term of the lease on the basis of the anticipated duration of the activities to which the application for extraction or mining pertains.”;

(2) by inserting the words “, by mere notice,” after the word “lease” in the first line of the second paragraph;

(3) by replacing the words “or common clay” in the second line of the fourth paragraph by the words “, common clay or mineral substances found in their natural state as a loose deposit” and by striking out the word “industrial” in the sixth line of the fourth paragraph;

(4) by replacing the words “and common clay” in the second line of the fifth paragraph by the words “, common clay or mineral substances found in their natural state as a loose deposit” and by replacing the words “an industrial activity” in the third line of the fifth paragraph by the words “the activity to which the application for extraction or mining pertains”.

70. Section 155 of the said Act is replaced by the following section:

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

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

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

(1) a mining road;

(2) a forest road within the meaning of the second paragraph of section 31 of the Forest Act (chapter F-4.1) by the beneficiary of a timber supply and forest management agreement holding a forest management permit issued under section 85 of that Act;

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

71. Section 157 of the said Act is amended by striking out the word “, brine” in the second and third lines of the first paragraph and in the third line of the second paragraph.

72. Section 158 of the said Act is amended by replacing the word “prescribed” in the second line of the first paragraph by the words “and pays the fees prescribed”.

73. Section 160 of the said Act is amended by replacing the words “, natural gas or brine” in the first and second lines of the first paragraph by the words “or natural gas”.

74. Section 161 of the said Act is amended

(1) by replacing the word “prescribed” in the second line of the first paragraph by the words “and pays the fees prescribed”;

(2) by replacing the second paragraph by the following paragraph :

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

75. Section 164 of the said Act is amended

(1) by replacing the words “, natural gas or brine” in the first line by the words “or natural gas”;

(2) by replacing paragraph 1 by the following paragraph :

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

(3) by replacing paragraph 4 by the following paragraph :

“(4) he has registered, in the registry office of the registration division concerned, a declaration of the existence and location of the closed well. The declaration shall be registered in the Register of real rights of State resource development and, where applicable, in the land register under the number of the lot affected by the well.”

76. The heading of Division XI of Chapter III of the said Act is replaced by the following heading :

“LICENCE TO EXPLORE FOR PETROLEUM, NATURAL GAS AND UNDERGROUND RESERVOIRS”.

77. Section 165 of the said Act is replaced by the following section:

“165. No person may explore for petroleum, natural gas or underground reservoirs without holding a licence to explore for petroleum, natural gas and underground reservoirs issued by the Minister.”

78. Section 166 of the said Act is replaced by the following section:

“166. Except in the cases provided for in section 166.1, the fifth paragraph of section 207 and section 289, the Minister shall issue a licence in respect of a given territory to any person who meets the requirements and pays the annual fee fixed by regulation.

However, the Minister shall refuse to issue a licence where the territory concerned

(1) is subject to a time limit under section 289;

(2) was subject, less than 60 days previously, to a licence to explore for petroleum, natural gas and underground reservoirs that expired or was abandoned, or to such a licence in respect of which a final decision has been made to refuse renewal;

(3) is subject to a licence to explore for petroleum, natural gas or underground reservoirs or to a lease to produce petroleum and natural gas held by a third person, or to an application for such a licence or lease;

(4) contains an underground reservoir that is subject to a lease to operate an underground reservoir held by a third person, or to an application for such a lease.”

79. The said Act is amended by inserting, after section 166, the following section:

“166.1. In a marine environment, within a zone delimited by ministerial order pursuant to subparagraph 1.2 of the first paragraph of section 304, a licence may only be issued following a call for tenders.

The Minister may, on his own initiative or at the request of any interested person, decide to make a call for tenders for all or part of such a zone.”

80. Section 167 of the said Act is repealed.

81. Section 169 of the said Act is amended

(1) by inserting, at the beginning of the second paragraph, the words “Except in the case provided for in section 169.1.”;

(2) by striking out the third paragraph.

82. The said Act is amended by inserting, after section 169, the following sections :

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

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

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

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

(1) for any period during which the validity of the licence is contested;

(2) for any period fixed by the Minister, when the licence holder is prevented from performing the work prescribed by section 177;

(3) until the Minister has rendered a decision pursuant to section 169.1.”

83. Section 171 of the said Act is amended by replacing the words “an exploration licence for” in the third and fourth lines by the words “a lease to explore for petroleum, natural gas and”.

84. Section 173 of the said Act is amended by striking out the word “, brine” in the second line and the words “, as the case may be,” in the second and third lines.

85. Section 174 of the said Act is amended by striking out the words “for petroleum and natural gas or an exploration licence for brine” in the first and second lines and by replacing the words “, natural gas or brine” in the second and third lines by the words “or natural gas”.

86. Section 175 of the said Act is amended by striking out the words “for underground reservoirs” in the first line.

87. Section 176 of the said Act is amended

(1) by striking out the words “for petroleum and natural gas, an exploration licence for brine or an exploration licence for underground reservoirs” in the first, second and third lines of the first paragraph, and by replacing “, natural gas or brine” in the fourth line of the first paragraph by “or natural gas”;

(2) by striking out the words “for petroleum and natural gas, an exploration licence for brine or an exploration licence for underground reservoirs” in the third and fourth lines of the third paragraph;

(3) by striking out the last sentence of the third paragraph.

88. Section 177 of the said Act is amended by striking out the second paragraph.

89. Section 180 of the said Act is replaced by the following section:

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

(1) he informs the Minister thereof in writing;

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

90. Section 186 of the said Act is amended by striking out the word “, brine” in the fourth line of the second paragraph.

91. Section 190 of the said Act is amended by striking out the words “, a lease to produce brine” in the second line of the first paragraph.

92. The heading of Division XIII of Chapter III of the said Act is replaced by the following heading:

“LEASE TO PRODUCE PETROLEUM AND NATURAL GAS,
LEASE TO OPERATE AN UNDERGROUND RESERVOIR AND
AUTHORIZATION TO PRODUCE BRINE”.

93. Section 193 of the said Act is amended

(1) by striking out the words “, or brine,” in the first line and the words “, or lease to produce brine” in the third line;

(2) by adding, at the end, the following paragraph :

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

94. Section 194 of the said Act is amended by replacing the second and third paragraphs by the following paragraph :

“However, the Minister shall refuse to grant a lease to produce petroleum and natural gas or a lease to operate an underground reservoir where the parcel of land concerned

(1) is subject to a time limit or call for tenders under the fifth paragraph of section 207 or section 289 ;

(2) is subject to a licence to explore for petroleum, natural gas or underground reservoirs, or to a lease to produce petroleum and natural gas, held by a third person, or to an application for such a licence or lease ;

(3) contains an underground reservoir that is subject to a lease to operate an underground reservoir held by a third person, or to an application for such a lease.”

95. The said Act is amended by inserting, after section 194, the following sections :

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

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

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

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

96. Section 195 of the said Act is amended by striking out the words “or a lease to produce brine” in the second line of the first paragraph.

97. Section 198 of the said Act is amended by replacing the words “and natural gas or an exploration licence for brine” in the second line of the first paragraph by “, natural gas and underground reservoirs”.

98. Section 201 of the said Act is amended by striking out the words “or a lease to produce brine” in the fourth line.

99. Section 202 of the said Act is amended by striking out the words “or of a lease to produce brine” in the first and second lines of the first paragraph.

100. Section 203 of the said Act is amended by striking out the words “or a lease to produce brine” in the second line of the second paragraph.

101. Section 204 of the said Act is amended by replacing the words “a lease” in the second line of the first paragraph by the words “an authorization”.

102. Section 206 of the said Act is amended

(1) by striking out the words “or a lease to produce brine” in the third line ;

(2) by replacing the word “enregistré” in the second line of paragraph 1 of the French text by the word “inscrit”.

103. Section 207 of the said Act is replaced by the following sections :

“207. A staking notice, an application for a licence, a lease or an authorization under section 32, 33 or 194.1, a report, an application for exemption from the work required under this Act, or an application for the renewal or conversion of a mining right, is deemed to have been forwarded, filed or received on the date on which it is received at the office of the registrar or at a regional office designated by ministerial order. A notice of map designation is deemed to have been filed on the date on which it is received at the office of the registrar or, if it is filed in person at a regional office designated by ministerial order, on the date on which it is received at that office.

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

Applications for a licence, a lease or an authorization under section 32, 33 or 194.1 are admitted according to the order in which they are received at the office of the registrar or a regional office designated by ministerial order.

Staking notices are admitted according to the date and time of the staking. Notices of map designation are admitted according to the order in which they are received at the office of the registrar or, if they are filed in person at a regional office designated by ministerial order, according to the order in which they are received at that office.

Applications for a licence, lease or authorization under section 32 or 33, where they relate to the same parcel of land and are received on the same day, shall be admitted in the order established by a drawing of lots. Every person who intends to take part in the drawing of lots must, beforehand, pay the duties fixed by regulation and comply with the conditions for participation prescribed by regulation.

However, applications for a licence or lease relating to petroleum, natural gas or underground reservoirs, and authorizations to produce brine, shall be admitted in the order established by a drawing of lots or a call for tenders, as decided by the Minister.

“207.1. Where a situation referred to in the first paragraph of section 38, the second paragraph of section 123 or the first paragraph of section 267 or 288 occurs, or where the Minister intends to revoke the withdrawal of land from staking, map designation, mining exploration or mining operation under subparagraph 1 of the first paragraph of section 304, the Minister may decide that the notices of map designation that relate to the same parcel of land and that are received on the first day on which a notice may be filed will be admitted according to the order established by a drawing of lots. The Minister’s decision must be made before the time limits provided for in the first paragraph of sections 38 and 123 have expired, before the date on which a revocation of mining rights pursuant to section 261 or a revocation of mining rights referred to in the first paragraph of section 288 becomes executory, or before the withdrawal of land is revoked, as the case may be.

The Minister may also, where a situation occurs that prevents the order of receipt of notices of map designation from being established in accordance with the third paragraph of section 207, decide that the notices of map designation whose order of receipt cannot be determined will be admitted according to the order established by a drawing of lots.

Every person who intends to take part in the drawing of lots must, beforehand, pay the duties fixed by regulation and comply with the conditions for participation prescribed by regulation.”

104. The said Act is amended by inserting, after section 213.2, the following section :

“213.3. The Minister may impose conditions and requirements in addition to, or that differ from, those provided for in this Act and the regulations thereunder in respect of a mining right relating to petroleum, natural gas or an underground reservoir situated in a zone in a marine environment delimited by ministerial order.”

105. Section 226 of the said Act is amended by inserting the words “at least ten days before the beginning of the suspension, transmit to the Minister a written notice informing the Minister of the suspension of operations and,” after the word “shall,” in the third line of the first paragraph.

106. Section 235 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: “An application for the fixing of compensation is introduced by motion; it is heard and decided by preference.”

107. Section 236 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: “An application for the fixing of compensation is introduced by motion; it is heard and decided by preference.”

108. Section 240 of the said Act is amended by replacing the word “Government” in the third line by the words “Minister or, where the project is subject to the environmental impact assessment and review procedure provided for in Division IV.1 of Chapter I of the Environment Quality Act (chapter Q-2), by the Government”.

109. Section 241 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: “The same applies to every holder of a mining right, owner of mineral substances or operator who intends to establish a mine tailings site”.

110. Section 260 of the said Act is repealed.

111. Section 262 of the said Act is amended by replacing the words “in section 260 or” in the second line of the first paragraph by the words “in section”.

112. Section 266 of the said Act is replaced by the following section:

“266. The revocation of mining rights in a mining concession does not affect any other right of ownership transferred to a third person under a deed of alienation referred to in section 361.”

113. Section 267 of the said Act is amended

(1) by replacing the word “enregistrement” in the fourth line of the first paragraph of the French text by the word “inscription”, and by replacing the words “and natural gas, an exploration licence for brine, a lease to produce petroleum and natural gas or a lease to produce brine” in the fourth, fifth and sixth lines of the first paragraph by the words “, natural gas and underground reservoirs or a lease to produce petroleum and natural gas”;

(2) by replacing the second paragraph by the following paragraph:

“Thereafter, a person whose rights have been revoked may also apply for the registration of a right referred to in the first paragraph in relation to all or part of the parcel of land subject to the revoked rights.”

114. Section 268 of the said Act is amended by replacing the figure “2%” in the first line of paragraph 2 by the figure “1/2%”.

115. Section 279 of the said Act is amended by striking out the word “, brine” in the second line.

116. Section 280 of the said Act, amended by section 355 of chapter 43 of the statutes of 1997, is replaced by the following section :

“280. The Minister may, on his own initiative or at the request of an interested person, revoke a claim obtained by staking, provided the claim has not been converted into a map designated claim,

(1) where the parcel of land concerned has not been staked as required by this Act;

(2) where the staking rules have not been complied with, and the claim is revoked before the end of the first year following the date of registration of the claim;

(3) where the provisions of either of the first two paragraphs of section 42 have not been complied with, unless the right has been registered for not less than one year in the register referred to in section 13 in the name of a subsequent purchaser in good faith.”

117. Section 281 of the said Act is amended

(1) by replacing the words “and natural gas, an exploration licence for brine or an exploration licence for underground reservoirs” in the first and second lines of paragraph 2 by the words “, natural gas and underground reservoirs”;

(2) by inserting, after paragraph 2, the following paragraph :

“(2.1) at any time, a mining right obtained or renewed by mistake;”;

(3) by replacing the word “enregistré” in the third line of paragraph 3 of the French text by the word “inscrit”.

118. Section 283 of the said Act is repealed.

119. Section 284 of the said Act, amended by section 357 of chapter 43 of the statutes of 1997, is again amended by adding, at the end, the following paragraph :

“The mailing of the notice of revocation shall interrupt the time limits provided for in sections 280 and 281.”

120. Section 285 of the said Act, amended by section 358 of chapter 43 of the statutes of 1997, is again amended

(1) by replacing the words “the revocation of a mining right” in the first line of the first paragraph by the words “revocation under section 280”;

(2) by adding, after the second paragraph, the following paragraph:

“The mailing of the application for revocation shall interrupt the time limits provided for in section 280.”

121. Section 287 of the said Act is replaced by the following section:

“287. The revocation of mining rights in a mining concession does not affect any other right of ownership transferred to a third person under a deed of alienation referred to in section 361.”

122. Section 288 of the said Act is amended

(1) by replacing the words “a mining exploration licence or a mining right relating to the seabed or surface mineral substances” in the fifth and sixth lines of the first paragraph by the words “a lease to mine surface mineral substances or a mining right relating to the seabed”;

(2) by replacing the second paragraph by the following paragraph:

“Thereafter, a person whose mining right has been revoked may also obtain, in accordance with this Act, a right referred to in the first paragraph in relation to all or part of the parcel of land subject to the revoked mining right.”

123. Section 289 of the said Act is amended by replacing the word “thirty” in the first line of the first paragraph by the figure “60”, and by striking out the word “, brine” in the second line of the first paragraph.

124. Section 291 of the said Act is replaced by the following section:

“291. Every decision rendered pursuant to section 42.4, 53, 58, 61, 62, 63, 74, 90, 97, 101, 101.1, 104, 120, 134 or 138, the second paragraph of section 141, section 147, 148, 169, 169.2, 179, 188, 194, 199, 230 or 231, the first paragraph of section 232.5, subparagraph 4 of the first paragraph of section 232.6, the first paragraph of section 232.7, 232.8 or 232.11, or section 234, 254, 278, 279, 280 or 281, must be in writing and give the reasons on which it is based. It shall be transmitted to the person concerned and, in the case of a decision rendered pursuant to section 42.4, to every holder of a mining right that may be affected by the decision, within fifteen days by registered or certified mail.”

125. Section 293 of the said Act is amended

(1) by replacing the word “enregistré” in the first line of the first paragraph of the French text by the word “inscrit”;

(2) by replacing the words “de l’enregistrement au bureau de la division d’enregistrement” in the fourth and fifth lines of the first paragraph of the French text by the words “de l’inscription au bureau de la publicité des droits de la circonscription foncière”.

126. Section 295 of the said Act is amended by adding, at the end, the following sentence: “Any holder of a mining right affected by a decision rendered pursuant to section 42.4 may also appeal therefrom to the Court of Québec.”

127. Section 304 of the said Act is amended

(1) by inserting the words “power transmission lines,” after the word “waterpower,” in the ninth line of subparagraph 1 of the first paragraph;

(2) by inserting, after subparagraph 1.1 of the first paragraph, the following subparagraph:

“(1.2) delimit the zones in a marine environment in which a mining right relating to petroleum, natural gas or underground reservoirs shall be subject to sections 166.1 and 213.3;”;

(3) by inserting, after subparagraph 2 of the first paragraph, the following subparagraph:

“(2.1) define, for lands of the public domain, the types of construction that may be erected or maintained by the holder of a claim on the land subject to the claim without being required to obtain authorization from the Minister;”;

(4) by inserting, after the second paragraph, the following paragraph:

“The Minister may allow, by order, on land reserved to the Crown, mining exploration or mining operations in accordance with this Act for such mineral substances as are determined by the Minister.”

128. Section 306 of the said Act, amended by section 359 of chapter 43 of the statutes of 1997, is again amended

(1) by replacing the words “instrument respecting mining rights” in the second line of paragraph 1 by the words “act referred to in paragraph 3 of section 13”;

(2) by inserting, after paragraph 2, the following paragraph:

“(2.1) fix the amount of the annual fees payable for an authorization to produce brine;”;

(3) by replacing the words “prescribe the form and content of notices of staking and of” in the first line of paragraph 8 by the words “determine the information that must be contained in notices of staking and notices of”;

(4) by inserting, after paragraph 10, the following paragraph :

“(10.1) determine, for the purposes of the first paragraph of sections 72, 94, 119 and 137, what constitutes property examination and technical assessment work and, for the fixing of the fees referred to in paragraph 8 of this section that must accompany a map designation notice, define the word “person” as used in the first paragraph of section 307;”;

(5) by inserting the figure “61,” after the word “sections” in the second line of paragraph 11 ;

(6) by inserting, after paragraph 12, the following paragraphs :

“(12.1) define the prospecting work that may be applied, in a report, to the first term of a claim or the first term following conversion of a claim, in accordance with section 81 ;

“(12.2) determine the information that must be contained in an application for the conversion of mining rights referred to in subdivision 5 of Division III of Chapter III and specify, in the case of an application for conversion under section 83.2 or 83.6, the documents that must be submitted with it ;

“(12.3) prescribe, for the purposes of applications for conversion under section 83.2 or 83.6, the manner of calculating the average unexpired portion of the terms of all the claims or exploration licences for surface mineral substances to be converted in order to determine the date of expiry of the claims converted into map designated claims ;

“(12.4) prescribe, for the purposes of applications for conversion under section 83.2 or 83.6, the manner in which and the conditions according to which the excess amounts disbursed for work performed on all the parcels of land subject to the claims or exploration licences for surface mineral substances to be converted are to be distributed ;

“(12.5) prescribe, for the purposes of applications for conversion under section 83.2 or 83.6, the manner of determining the number of terms of a claim in order to establish the minimum cost of the work to be performed for further renewals of claims converted into map designated claims after the first renewal following conversion ;

“(12.6) determine the cases in which and conditions according to which a mining right may be converted into one or more map designated claims

pursuant to subdivision 5 of Division III of Chapter III, and the effects of conversion on rights granted to third persons evidenced in an instrument relating to the converted mining right registered in the public register of real and immovable mining rights;

“(12.7) determine the information that must be included in an application for the determination of a common claim expiry date and an application for the reduction of the term of a claim, and fix the amount of the fees to be paid with the application;

“(12.8) prescribe, for the purposes of an application for the determination of a common claim expiry date, the manner of calculating the average unexpired portion of the terms of the claims concerned by the application so as to determine the common expiry date;

“(12.9) prescribe the manner in which and conditions according to which the excess amounts disbursed for work performed on the territory subject to a mining exploration licence are to be calculated, in the case referred to in section 92.1;”;

(7) by inserting, after paragraph 13, the following paragraph:

“(13.1) fix the amount of the duties to be paid by a person authorized to extract a fixed quantity of surface mineral substances pursuant to the second paragraph of section 140, and the amount of the duties to be paid by the holder of an exclusive lease to mine surface mineral substances who applies under section 146 for an increase in the area of the territory subject to the lease;”;

(8) by replacing the words “the second paragraph of section 155 or 204” in the second line of paragraph 14 by the words “the second paragraph of section 140 or the first paragraph of section 155 or under the second paragraph of section 204”;

(9) by inserting, after paragraph 14, the following paragraphs:

“(14.1) fix the dates on which the report referred to in section 155 must be transmitted to the Minister and prescribe the cases in which the Minister may, in accordance with the second paragraph of that section, allow one yearly report or require the holder of a non-exclusive lease to mine surface mineral substances to transmit monthly reports;

“(14.2) prescribe the payment of an additional amount, that it fixes, to be added to royalties, payable by the holder of a lease to mine surface mineral substances or by an operator or a person referred to in section 223.1, in particular for a failure to forward to the Minister the report referred to in section 155 within the specified time, or for any other failure to fulfil the requirements of that section that it determines;”;

(10) by replacing the words “an exploration licence for petroleum and natural gas or of an exploration licence for brine” in the first and second lines of paragraph 17 by the words “a licence to explore for petroleum, natural gas and underground reservoirs”;

(11) by replacing the words “an exploration licence for” in the second and third lines of paragraph 18 by the words “a licence to explore for petroleum, natural gas and”;

(12) by replacing the words “section 207” in the second line of paragraph 21.1 by the words “sections 207 and 207.1, and prescribe the conditions to be complied with by a person who intends to take part in the drawing of lots”.

129. Section 307 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph :

“307. In the case of a claim, the fees referred to in paragraphs 3 and 8 of section 306 may vary according to the area of land covered by the claim or according to the region where the land is situated. Moreover, the fees referred to in paragraph 3 of section 306 may vary according to whether the renewal of the claim is applied for before or after the sixtieth day preceding its expiry, and the fees referred to in paragraph 8 of that section which must accompany the notice of map designation may vary according to the number of claims that are map designated during the same day for the same person, whatever the number of notices of map designation presented by that person during that day.”;

(2) by inserting the words “, the regions where the land is situated” after “on which it is performed” in the second line of the second paragraph.

130. Section 309 of the said Act is amended

(1) by inserting, after the first paragraph, the following paragraph :

“In the case of an exclusive lease, the rental referred to in paragraphs 2 and 3 of section 306 may vary according to the term of the lease, the area of the parcel of land subject to the lease and the mineral substance mined, or according to whether or not the substance is mined on land forming part of the public domain.”;

(2) by inserting the words “, the fees referred to in paragraph 13.1 of section 306” after the words “section 306” in the second line of the second paragraph.

131. Section 310 of the said Act is amended

(1) by replacing the words “an exploration licence or a lease to produce petroleum, natural gas, or brine” in the first and second lines of the first

paragraph by the words “licence to explore for petroleum, natural gas and underground reservoirs or a lease to produce petroleum and natural gas”;

(2) by adding, at the end of the second paragraph, the following sentence :
“In the case of section 204, the royalty may also vary according to whether it pertains to a zone delimited by ministerial order in a marine environment.”

132. Section 313 of the said Act is amended by replacing the words “an exploration licence for petroleum, natural gas, brine or an underground reservoir” in the first and second lines by the words “licence to explore for petroleum, natural gas and underground reservoirs”.

133. The said Act is amended by inserting, after section 313.2, the following section :

“313.3. The term and amount of the guarantee mentioned in paragraph 26.2 of section 306 may vary according to the nature of the activities or operations carried on by the holder of the mining right, the operator or person referred to in section 232.1, or according to the nature and estimated quantity of mine tailings to be produced on a given site.”

134. Section 349 of the said Act is amended by replacing the words “second and third paragraphs” in the third line of the first paragraph by the words “third paragraph”.

135. Section 361 of the said Act is amended

(1) by replacing the words “1 January 1971” in the first line of the first paragraph by the words “17 June 1998”;

(2) by replacing the words “division into lots” in the third and fourth lines of the first paragraph by the word “alienation”, and by replacing the words “a public officer” in the fifth line of the first paragraph by the words “the ministers concerned”;

(3) by replacing the second paragraph by the following paragraph :

“The first paragraph does not apply to a deed of alienation that has not, on that date, been published at the registry office of the registration division concerned.”

136. Section 362 of the said Act is amended by replacing the words “radiée sur dépôt d’une réquisition” in the fifth line of the second paragraph of the French text by the words “radiée sur présentation d’une réquisition”.

137. Section 363 of the said Act is amended by inserting the words “or a restriction as to use” after the word “repossession” in the third line.

138. The said Act is amended by inserting, after section 364, the following section :

“364.1. Except in the cases referred to in section 114, the retrocession of mining rights by a concessionary in favour of the Minister, effected before 17 June 1998, shall include the surface rights even if they are not mentioned in the instrument of retrocession, and shall form part of the public domain from the date of the retrocession.

The concessionary is not entitled to any indemnity or reimbursement for any claim arising from the application of this section.”

139. Section 374 of the said Act is replaced by the following section :

“374. All lands in the public domain that were allocated for the establishment of a mining town or village are subject to the provisions of the Act respecting the lands in the public domain (chapter T-8.1) and the Act respecting the Ministère des Ressources naturelles (chapter M-25.2).”

140. The said Act is amended by inserting, after section 374, the following sections :

“374.1. No deed of alienation granted by the Minister in respect of a lot situated in a mining town or village before 17 June 1998 may not be invalidated on the sole ground that the price and conditions of alienation were not fixed by the Government.

“374.2. Every transfer of a lot in a mining town or village by way of a lease known as an emphyteutic lease granted before 17 June 1998 by the Government or by a third person having acquired land in the public domain for the establishment of a mining town or village, is deemed to constitute a sale pure and simple.

The clauses of the contract that are incompatible with the first paragraph are deemed unwritten ; all hypothecs guaranteeing the payment of a sum of money are extinguished and their registration may be cancelled by the filing of an application in notarial form and *en minute* by the interested person.

“374.3. The conditions stipulated in the letters patent issued on 10 November 1952 for block 9 of the original survey and of the cadastre for the township of Holland, registered at the office of the Québec registrar on 11 November 1952 under Libro 82 Folio 102 shall cease to have effect on 17 June 1998.

Acts of alienation granted by the holder of the letters patent or by the holder’s successors may not be invalidated on the sole ground that the conditions have not been complied with.”

141. Section 375 of the said Act is repealed.

142. Schedule I to the said Act is repealed.

143. The word “enregistrement”, wherever it occurs in the French text of the heading of subdivision 2 of Division III of Chapter III and in sections 54, 57, 60, 67, 70, 259, 306.1 and 355, is replaced by the word “inscription”.

144. The words “enregistrer”, “enregistré” and “enregistrées”, wherever they occur in the French text of sections 13, 78, 122, 124 and 156 of the French text, are replaced by the words “inscrire”, “inscrit” and “inscrites”, respectively.

145. The words “déposer” and “déposés”, wherever they occur in the French text of sections 53, 54 and 60 are replaced by the words “présenter” and “présentés”, respectively.

146. Section 35 of the Act respecting the lands in the public domain (R.S.Q., chapter T-8.1) is amended

(1) by striking out the words “, unless they are included in a mining concession” in the second and third lines of the first paragraph;

(2) by inserting the words “, a mining concession or an exclusive lease to mine surface mineral substances” after the word “lease” in the first line of the second paragraph, and by adding, at the end of the second paragraph, the words “, the mining concession or the exclusive lease to mine surface mineral substances”.

147. Section 48 of the said Act is amended

(1) by striking out the words “, unless they are included in a mining concession” in the second and third lines of the first paragraph;

(2) by inserting the words “, a mining concession or an exclusive lease to mine surface mineral substances” after the word “lease” in the first line of the second paragraph, and by adding, at the end of the second paragraph, the words “, the mining concession or the exclusive lease to mine surface mineral substances”.

TRANSITIONAL AND MISCELLANEOUS PROVISIONS

148. The requirements for renewal under section 77 of the Mining Act that are applicable to the first renewal of a claim to occur after (*insert here the date of coming into force of this section*) are the requirements contained in the provisions of that section as they read prior to that date, provided that the claim concerned by the application for renewal was obtained before that date.

149. A notice of staking or of map designation filed before (*insert here the date of coming into force of this section*) shall be continued and decided in accordance with the provisions of the Mining Act as they read before that date.

A notice of staking filed on or after (*insert here the date of coming into force of this section*) shall be decided in accordance with the provisions of the Mining Act applicable on the date of staking.

150. Notwithstanding section 84 of the Mining Act, enacted by section 45 of this Act, an application for a mining exploration licence made before (*insert here the date of coming into force of section 45 of this Act*) shall be continued and decided in accordance with the provisions of sections 85 to 88 and of the second paragraph of section 91 of the Mining Act as they read before that date.

151. Notwithstanding section 130 of the Mining Act, enacted by section 58 of this Act, an application for an exploration licence for surface mineral substances made before (*insert here the date of coming into force of section 58 of this Act*) shall be continued and decided in accordance with the provisions of sections 131 to 133 and 135 of the Mining Act as they read before that date.

152. In addition to the cases provided for in section 280 of the Mining Act, enacted by section 116 of this Act, the Minister may, on the Minister's own initiative or at the request of any interested person, revoke a claim obtained by staking before (*insert here the date of coming into force of section 116 of this Act*) that has not been converted into a map designated claim, where the provisions of section 41 of the Mining Act as they read before that date were not complied with, unless the right has been registered for not less than one year in the register referred to in section 13 of the Mining Act in the name of a subsequent purchaser in good faith.

153. No exploration licence for petroleum and natural gas, exploration licence for brine or exploration licence for underground reservoirs relating to a territory in a marine environment may be issued under section 166 of the Mining Act as it reads on 2 December 1997 in respect of an application filed on or after that date.

154. A licence to explore for petroleum, natural gas and underground reservoirs is deemed to be held under the provisions of the Mining Act introduced by this Act by

(1) the holder of an exploration licence for petroleum and natural gas issued under section 166 of the Mining Act as it read before (*insert here the date of coming into force of section 78 of this Act*);

(2) the holder of an exploration licence for underground reservoirs issued under section 166 of the Mining Act as it read before (*insert here the date of coming into force of section 78 of this Act*);

(3) the holder of an exploration licence for petroleum and natural gas and an exploration licence for underground reservoirs issued under section 166 of the Mining Act as it read before (*insert here the date of coming into force of*

section 78 of this Act) that cover the same territory. The term of the licence to explore for petroleum, natural gas and underground reservoirs shall be that of the most recently issued licence.

155. Every exploration licence for brine and every lease to produce brine shall expire on (*insert here the date occurring three months after the date of coming into force of section 93 of this Act*). However, the holder of such a licence or lease may obtain from the Minister during that period an authorization to produce brine pursuant to section 194.1 of the Mining Act, introduced by section 95 of this Act. In such a case, the second paragraph of that section 194.1 does not apply to the application.

156. Where, on (*insert here the date of coming into force of section 82 of this Act*), fewer than 60 days remain before the expiry of the fifth renewal of an exploration licence and the holder of the licence serves written notice on the Minister, before the licence expires, of the holder's intention to file an application pursuant to section 169.1 of the Mining Act, introduced by section 82 of this Act, that 60-day period shall begin on (*insert here the date of coming into force of section 82 of this Act*) and, where applicable, the term of the licence shall be suspended until the Minister has made a decision regarding the application.

157. The first regulation after passage of this Act that replaces or amends the Regulation respecting petroleum, natural gas, brine and underground reservoirs, approved by Order in Council 1539-88 (1988, G.O.2, 3724) is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

158. The Government may, by regulation, prescribe any other transitional provision that is not inconsistent with the provisions of this Act to ensure the carrying out of this Act.

A regulation made under this section is not subject to the publication requirements set out in section 8 of the Regulations Act. In addition, the regulation may, once published and where it so provides, apply from any date not prior to the date of coming into force of this section.

159. The provisions of this Act come into force on the date or dates to be fixed by the Government, except

(1) the provisions of section 46, to the extent that they repeal section 89 of the Mining Act, which come into force on (*insert here the date occurring three years after the date of coming into force of section 46 of this Act*);

(2) the provisions of sections 52 to 55, 110 to 112, 121, 135, 137 to 141, 146, 147 and 153, which come into force on 17 June 1998.