



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

MINERAL RESOURCES ACT

PLEASE NOTE

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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MINERAL RESOURCES ACT

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MINERAL RESOURCES ACT

CHAPTER M-7

INTERPRETATION

1. Definitions

In this Act

- (a) “**claim**” means mineral claim;
- (b) “**day’s work**” means eight hours work; but in a case of drilling or surveying or geological, geophysical or geochemical or other special work, the Minister may allow another unit as a day’s work;
- (c) “**Department**” means the Department of Transportation, Infrastructure and Energy;
- (d) “**development license**” means a license by which the holder thereof is granted the right to hold a mineral deposit on a designated area for a period of one year;
- (e) “**exploration license**” means a license by which the holder thereof is granted the right to search and prospect for minerals on a designated area for a period of one year;
- (f) “**holder**” means a person shown in the records of the Registrar as having an interest in a mineral right;
- (g) “**land**” includes land covered by water;
- (h) “**lease**” means a mining lease by which the holder thereof is granted the right to mine on a designated area for a period of twenty years;
- (i) the noun “**mine**” includes any opening or excavation in, or working of, the ground for the purpose of winning, opening up or proving any mineral or mineral-bearing substance, and any ore body, mineral deposit, stratum, soil, rock, bed of earth, clay, sand, gravel or place where mining is or may be carried on, and all ways, works, machinery, plant, bunk-houses, cookhouses, latrines, wash-houses, and other buildings and premises below or above ground belonging to or used in connection with the mine; and also any quarry, excavation or opening in the ground made for the purpose of searching for or removal of any mineral or mineral-bearing substance;
- (j) the verb “**mine**” and the word “**mining**” includes any mode or method of working whereby the soil or earth or any rock, stone or material may be disturbed or removed, washed, sifted, roasted, smelted, refined, crushed, dissolved, precipitated, separated, or dealt with for the purpose of obtaining any mineral or substance therefrom, whether the same may have been previously disturbed or not;
- (k) “**mineral**” means any natural solid inorganic or fossilized organic substance and such other substance as is declared to be a mineral under section 3, but does not include
 - (i) ordinary stone, building or construction stone,
 - (ii) sand, gravel, peat, peat moss or ordinary soil,

- (iii) gypsum or limestone,
 - (iv) oil or natural gas, or
 - (v) bituminous shale, oil shale or intimately associated products or substances derived therefrom;
- (l) “**mineral right**” means a license, lease or special license issued under this Act, or right granted under section 18;
 - (m) “**Minister**” means the Minister of Transportation, Infrastructure and Energy;
 - (n) “**officer**” includes any inspector, engineer or geologist on the staff of the Department and any other person designated by the Minister to carry out an inspection or investigation relating to the mineral industry;
 - (o) “**person**” includes a body corporate, partnership, or any individual;
 - (p) “**prospect**” means to search for valuable mineral and includes any mode of working whereby soil or rock is disturbed, removed, washed or otherwise tested for the purpose of finding, identifying or determining the extent of any mineral therein;
 - (q) “**Registrar**” means the person appointed as Registrar under section 5;
 - (r) “**tract**” means mining tract;
 - (s) “**work**” means work accepted by the Minister and being of *bona fide* nature in an attempt to prove the existence, extent and value of a mineral deposit. 1978, c.15, s.1; 1980, c.2, s.3; 1983, c.1, s.6; 1993, c.29, s.4; 2000, c.5, s.3; 2004, c.36, s.3; 2009, c.73, s.2; 2012, c.17, s.2; 2015, c.28, s.3.

MINERALS - PROPERTY OF THE CROWN

2. Minerals vested in Crown

All minerals existing or which may be found within, upon or under lands in the province are vested in the Crown in right of the province. 1978, c.15, s.2.

2.1 Alienation to Crown Federal

- (1) Notwithstanding section 2, the Lieutenant Governor in Council may alienate its mineral rights to Her Majesty the Queen in right of Canada and in any transfers of use and possession of provincial lands to Her Majesty the Queen in right of Canada under this Act, or outside this Act, the Lieutenant Governor in Council may transfer the mineral rights of Her Majesty the Queen in right of the province and the administration, benefit and control of such provincial lands to Her Majesty the Queen in right of Canada for the establishment or development of National Parks, National Historic Parks and National Historic Sites.

Application of Act after alienation

- (2) The provincial lands upon and after a transfer referred to in subsection (1) cease to be subject to this Act unless such transfer otherwise provides.

Terms and conditions of transfer

- (3) A transfer referred to in subsection (1) may be made subject to such terms, conditions and reservations as the Lieutenant Governor in Council may consider advisable. 1994, c.40, s.1.



3. Declaration of substance to be a mineral

- (1) The Lieutenant Governor in Council may by order published in the Gazette declare any substance formed by the processes of nature that occurs on or under the surface of the earth to be a mineral.

Effect of declaration

- (2) Where a declaration is made under subsection (1) in respect of any substance, the substance shall, for the purposes of this Act, be and be deemed always to have been a mineral notwithstanding the terms of any grant from the Crown or any other conveyance, instrument, or enactment.

Compensation

- (3) Where any person claims to be injuriously affected by a declaration under subsection (1), the Lieutenant Governor in Council may agree with that person as to the compensation to be made therefor and, if no agreement is made, shall appoint a commissioner under the *Public Inquiries Act* R.S.P.E.I. 1988, Cap. P-31 to inquire into and report as to what compensation if any, should be made and the Lieutenant Governor in Council shall make such compensation accordingly.

Limitation

- (4) No compensation shall be made in respect of any claim therefor made more than one year after the date of a declaration under subsection (1). *1978, c.15, s.3.*

ADMINISTRATION**4. Minister to administer Act**

- (1) The Minister is responsible for the administration of this Act.

Appointment of officers

- (2) The Lieutenant Governor in Council may appoint such officers and agents as he considers necessary for the administration of this Act. *1978, c.15, s.4.*

5. Registrar

- (1) There shall be appointed a Registrar who shall keep records of all mineral rights and matters pertaining to mineral rights.

Office

- (2) The Registrar shall have an office in the City of Charlottetown;

Records open to public

- (3) The Registrar shall keep at the office such books and plans for the recording therein of mineral rights and documents affecting such rights as may be directed by the Minister, and the books and plans shall be open for inspection by any interested person during office hours on payment of the prescribed fee.

Office hours, office of Registrar

- (4) The office of the Registrar shall be open every day not a holiday or a Saturday or Sunday from ten o'clock in the forenoon until four o'clock in the afternoon.

Saving provisions

- (5) When the time limited for the filing or registration of any document or for the doing of any other act or thing at the office of the Registrar under the provisions of any Act expires or falls on a day on which the office is closed, the time so limited shall extend to, and such filing or registration or other act may be done on, the day next following on which the office is open. *1978, c.15, s.5.*

6. Conflict of interest

- (1) No Minister of the Crown in right of the province or employee of the Department shall while holding such office or employment, directly or indirectly, by himself or by any other person, purchase or become interested in any mining right in the province, and any such purchase or interest is void.

Forfeiture of employment

- (2) Any person contravening subsection (1) is guilty of an offence and shall forfeit his office or employment. *1978, c.15, s.6.*

7. Entry on land by authorized persons

- (1) Every officer or person designated by the Minister when engaged in duties under this Act may with his assistants enter upon and pass over the land of any person doing as little damage as possible and no action shall lie against that officer or person or his assistants or the Minister or the province except in respect of actual damage resulting from an act done pursuant to the powers conferred by this section.

Inspections

- (2) The power to enter under subsection (1) includes power to inspect equipment, plant and machinery and mining operations and to take samples and carry out tests.

Production of identification card

- (3) A person authorized to enter any land under subsection (1) shall, on demand by any person having an interest in the land or in any mining right thereon produce his identification card signed by the Minister. *1978, c.15, s.7.*

8. Information certified privileged

Where it appears to the Minister that any document in the possession of any officer under this Act or any information obtained by any officer in an official capacity is of a confidential character or ought not in the public interest to be divulged, or cannot without prejudice to interests of persons not concerned in a litigation be divulged, the Minister in his discretion shall certify that information to be privileged, and the officer shall not be required to disclose that information to any court. *1978, c.15, s.8.*

9. Regulations

- (1) The Lieutenant Governor in Council may make regulations
- (a) respecting the disposal of tailings, slimes, waste products, or any noxious or deleterious substances upon any lands or into any waters;
 - (b) respecting the restoration, reclamation and rehabilitation of a mine or mining lands;
 - (c) governing the operation of any mine or metallurgical works and may include any pit, quarry, or place where sand, gravel, rocks and other materials are being removed;



- (d) providing for the carrying out of the operations referred to in clause (c) in a safe and efficient manner;
- (e) requiring, from the holder of a mineral right or the operator of a mine, statements and plans respecting work and operations;
- (f) defining the kind and quantities of work acceptable and the manner and form in which work shall be submitted;
- (g) establishing the boundaries of mineral lands;
- (h) regulating mining in proximity to the boundaries of mineral lands;
- (i) prescribing conditions for the closure of mines;
- (j) prescribing forms and providing for their use;
- (k) prescribing fees and rentals;
- (l) prescribing interest rates; and
- (m) for the better carrying out of the provisions of the Act.

Authority of Minister

- (2) At the discretion of the Minister and upon application and any good cause shown, the Minister may
 - (a) enlarge the time fixed or allowed for the doing of anything or the taking of any proceedings under this Act, and an enlargement may be ordered although the application therefor is not made until after the expiration of the time fixed or allowed, and may provide for payment to a person aggrieved thereby; or
 - (b) cancel, revoke or rescind a mineral right where money is due and owing to the province by the holder of the mineral right. *1978, c.15, s.9.*

SURVEY SYSTEM

10. Grid area

- (1) A grid area shall be bounded on the east and west sides by successive meridians of longitude of the series 62°00'00", 62°15'00", 62°30'00" which series may be extended as required, and on the north and south sides by straight lines joining the points of intersection of the east and west boundaries with successive parallels of latitude of the series 46°00'00", 46°10'00", 46°20'00" which series may be extended as required.

Reference to grid area

- (2) Every grid area shall be referred to by the latitude and longitude of the northeast corner of that grid area.

Sections

- (3) Every grid area shall be divided into sections.

Section defined

- (4) A section shall be bounded on the east and west sides by meridians spaced at intervals of one-tenth of the interval between the east and west boundaries of the grid area.

Idem

- (5) A section shall be bounded on the north and south sides by straight lines drawn parallel to the north and south boundaries of the grid area and spaced at intervals of one-tenth of the interval between the north and south boundaries of the grid area.

Mineral claim defined

- (6) Every mineral claim shall be bounded on the east and west sides by meridians spaced at intervals of one-quarter of the interval between the east and west boundaries of the section.

Idem

- (7) Every mineral claim shall be bounded on the north and south sides by straight lines drawn parallel to the north and south boundaries of the section and spaced at intervals of one-quarter or the interval between the north and south boundaries of the section; and the sections and mineral claims shall be numbered as shown in the following diagrams:

Graph to be inserted. Page 2034

A grid area is divided into 100 sections as illustrated above.

Graph to be inserted. See Page 2035

A section is divided into 16 mineral claims as illustrated above.

DOCUMENTATION

11. Filing of memorandum

Every person shall within fifteen days of application for a mineral right file in the office of the Registrar a memorandum setting forth the following information:

- (a) if an individual
- (i) his name,
 - (ii) his address in the province, and
 - (iii) his address outside of the province, if any;
- (b) if a partnership
- (i) the name of partnership,
 - (ii) the names of all partners,
 - (iii) the addresses of all partners in the province,
 - (iv) the addresses of all partners outside the province, if any, and
 - (v) the name and address of the recognized agent of the partnership; and
- (c) if a body corporate
- (i) the name of the corporation,
 - (ii) the name and address of the president, secretary, other officers, and directors of the corporation,
 - (iii) the mode of incorporation,
 - (iv) the date of incorporation,
 - (v) the location of the head office,
 - (vi) the name and address of the recognized agent of the corporation, and
 - (vii) the principal office of the corporation in the province. *1978, c.15, s.11.*

12. Filing of documents

Every person shall within fifteen days of application for a lease, where applicable, file in the office of the Registrar a certified copy of its memoranda, articles of association or articles of partnership, letters patent, bylaws and certificate of registration.



13. Annual sworn statement

- (1) On or before June 1 in each year, without notice or demand, every person holding or working mines in the province, shall deliver to the Registrar a detailed statement duly verified by the affidavit of a partner or an officer of the company of the following information and particulars:
- (a) the name of the partnership or company;
 - (b) the names, residences and post office addresses of the partners, officers, directors and managers;
 - (c) the name and post office address of the registered agent and manager in the province;
 - (d) the address of the head office;
 - (e) the address of the principal office in the province when the head office is situated outside of the province; and
 - (f) the date upon which the last annual meeting was held.

Additional information

- (2) The Registrar may require information to be provided in addition to or in amplification of that provided under subsection (1).

Offence and penalty

- (3) A person making default in complying with this section is guilty of an offence and is liable to a penalty of \$20 for every day during which the default continues, and every partner or director, manager or secretary of a company who authorizes or permits such default shall incur the like penalty to be recovered in any court of competent jurisdiction by action at the suit of the Crown. *1978, c.15, s.13.*

14. Work report by licensee

A licensee shall supply the Minister with a written notification of the name and address of the person responsible for the performance of the work for or on behalf of the licensee. *1978, c.15, s.14.*

15. Contractors performing work

A licensee shall notify the Minister in writing of the name and address of all contractors performing work for or on behalf of the licensee and the notification shall include the location of work, license number, reference number and map. *1978, c.15, s.15.*

16. Contents of application

- (1) Every application for a mineral right and every other application and every transfer or assignment of a claim or of any right or interest acquired under this Act shall contain, or have endorsed thereon, the place of residence and post office address of the applicant, transferee or assignee, and also, when not a resident of the province, the name, residence and post office address of some person resident in the province upon whom service may be made.

Mode of service

- (2) Service may be effected by forwarding by prepaid registered mail to the address given under subsection (1).

Restriction on application

- (3) No application, transfer or assignment shall be filed or recorded unless it conforms with subsection (1).

Substitute for service

- (4) Another person resident in the province may at any time be substituted as the person upon whom service may be made by filing in the office of the Registrar a memorandum setting forth the name, residence, and post office address of such other person.

Effect

- (5) Service upon the person named as the person upon whom service may be made, unless another person has been substituted for him under subsection (4), and in case of such substitution upon the person substituted, has the same effect as service upon the person named under subsection (1).

Application of ss. (5)

- (6) Subsection (5) applies to every notice, demand or proceeding in any way relating to a mineral right or to any other right or interest which may be acquired under this Act. *1978, c.15, s.16.*

LANDS OPEN FOR PROSPECTING

17. Rights granted by license

A license shall entitle the holder thereof to search and prospect for minerals within the claim or tract to which the license applies, except as herein provided, and subject to the rights of the owner of the land covered by the license. *1978, c.15, s.17.*

18. Power of Minister to restrict mineral rights

- (1) The Minister may by order published in the Gazette
- (a) restrict mineral rights in any area of the province to claims in respect of particular minerals; and
 - (b) withdraw lands in any area of the province from application for a license in respect of all or particular minerals.

Agreement conferring mineral rights

- (2) Where an order is made under subsection (1) the Minister may, notwithstanding such order, enter into an arrangement or agreement with any person authorizing that person to enjoy mineral rights in respect of any minerals or land the subject of the order on such terms and conditions as the Lieutenant Governor in Council may determine.

Existing mineral rights protected

- (3) Where existing mineral rights are held in respect of any land which is the subject of an arrangement or agreement under subsection (2), the Minister shall investigate the matter and give such notice as he considers necessary to the person affected thereby so that the arrangement or agreement may be carried out with as little detriment as possible to the holder of the existing mineral rights.

Reopening of lands withdrawn

- (4) The Minister may by order published in the Gazette reopen for application for a license any lands withdrawn under clause (1)(b) for all or particular minerals. *1978, c.15, s.18.*



EXPLORATION LICENSES

19. Eligibility

- (1) Any natural person over eighteen years of age or any incorporated company, or partnership, may on payment of the prescribed fee apply for an exploration license.

Form of application

- (2) An application for a license shall be in writing in the prescribed form.

Application to specify claims or tracts

- (3) An application for a license shall specify the claims or tracts applied for as designated in accordance with section 10 on the official maps of the Department.

Time of application

- (4) An application shall be endorsed with the precise time and date at which the same was received at the office of the Registrar and if received by mail prior to twelve o'clock in the forenoon shall bear the time of ten o'clock on the day received.

Work statement to be submitted

- (5) An applicant for a license shall, within thirty days of making the application, file with the Registrar a statement setting out the work proposed to be undertaken if the license is issued. *1978, c.15, s.19.*

20. Restriction on application

- (1) No application shall be accepted for a claim or tract already applied for or under license or lease.

Idem

- (2) No application shall be accepted for a license of any claim or tract, the right to a license of which is at the time of the application in dispute before the Minister or person designated by him, or before any court, or until the time allowed for appeal from any decision in respect to such right has expired. *1978, c.15, s.20.*

21. Protection for holder of mineral right

Where a license which is subject to renewal has been issued in respect of any lands, no application for a license in respect of the same lands shall, without the direction or request of the Minister, be formally accepted until fifteen days after the date of expiry of the existing license and the direction or request shall be endorsed on the application. *1978, c.15, s.21.*

22. Application by associate of licensee of expired license

Where a license covering a claim or tract has expired because of nonperformance of work, no application for a license shall be accepted from a licensee who had previously held the license, or from any person associated with, or acting on behalf of, or having a community of interest with, the licensee whose license expired for a period of ninety days following the expiry of the license. *1978, c.15, s.22.*

23. Refusal of application

- (1) The Minister may refuse an application for a license, or defer the acceptance of an application, if in the discretion of the Minister the acceptance of the application is not in the best interests of the province or would hinder mineral development of any area.

Investigation on deferral

- (2) A person who had made application for a license which the Minister has deferred shall, upon request made in writing to the Minister within fifteen days of the deferral, be entitled to have an investigation held before the Minister or person designated by the Minister to determine the right to have the application accepted.

Report of refusal

- (3) If upon investigation the Minister refuses to accept the application for a license, the Minister shall report any such refusal to the Lieutenant Governor in Council and the Lieutenant Governor in Council may confirm such refusal, or may direct that the application be accepted in whole or in part and on such terms and conditions as the Lieutenant Governor in Council determines. *1978, c.15, s.23.*

24. Conflicting applications

- (1) Where two or more applications for a license in whole or in part cover the same claim or tract, and the Minister is unable to decide who made the first of the applications, the Minister may, after notice to be given in such manner and for such length of time as seems proper, cause the right to a license of the claim or tract in respect of which there are conflicting applications to be offered to the conflicting applicants by tender or at auction, and shall grant the license to the applicant who undertakes to perform on the claim or tract the greatest amount of work in excess of the amount of work required by this Act and, within a time fixed by the Minister, deposits with him such security as the Minister considers necessary for the proper performance of the work that the bidder has undertaken to perform.

No bid

- (2) If, after an offer made by the Minister pursuant to subsection (1), no person undertakes to perform on the claim or tract an amount of work that is greater than the amount of work required by this Act, and within the time fixed by the Minister, deposits security for the performance of that work, the claim or tract shall be deemed vacant after the close of office hours on the last day fixed for the deposit of the security, and applications therefor may be received at ten o'clock on the next succeeding day. *1978, c.15, s.24.*

25. Form of license

- (1) A license shall be in the prescribed form, and shall be subject to the rights of the owner of the land covered by the license.

License to specify area, etc.

- (2) A license shall specify the area, claims or tracts as designated in accordance with section 10 on the official maps of the Department.

License to include not more than eighty claims

- (3) A license may include any number of contiguous claims not exceeding eighty but no license shall be granted for less than a full claim.



Contiguous

- (4) For the purpose of subsection (3) “contiguous” means having at least one common boundary between adjoining claims. 1978, c.15, s.25.

26. Rights granted by license

A license shall constitute authority to search, prospect and mine all or specified minerals found in the area, claim, or tract for purposes of investigation, examination or test only. 1978, c.15, s.26.

27. Term

A license shall be for a term of one year from the date thereof and may be renewed each year for four consecutive years if the holder thereof carries on mineral investigation and work as prescribed by this Act. 1978, c.15, s.27.

28. Renewal

- (1) No license shall be renewed unless
- (a) an application for renewal is made to the Registrar prior to the expiration of the license to be renewed;
 - (b) the applicant pays the prescribed fee;
 - (c) the applicant proves that from the time the license was issued to the time of the application work has been performed on the license to the extent prescribed by the regulations; and
 - (d) a statement is provided setting out the work proposed to be undertaken if the license is renewed.

Work in excess of statutory requirements

- (2) Notwithstanding clause (1)(c), if more work is performed by or on behalf of the recorded holder than is herein required during the first year or in any subsequent year, the excess upon proof of performance of the work shall be credited by the Registrar in respect of the work required to be done during any subsequent year.

Report of work done

- (3) The recorded holder of a license shall prior to the expiration of or not later than fifteen days after each of the periods specified, make a report as to the work done or caused to be done by him during that period.

Form to be used

- (4) Work shall be reported under subsection (3) on the prescribed form.

Certificate of work

- (5) The Registrar, if satisfied that the prescribed work has been duly performed, shall grant a certificate of work, and the certificate in the absence of fraud or mistake shall be final and conclusive evidence of the due performance of the work therein certified.

License deemed not lapsed

- (6) If evidence of work performed is submitted to the Registrar within the required period, the license shall be deemed not to have lapsed because of any delay that may occur in the consideration of the evidence, or in making any investigation on the ground which may be

considered necessary, and such an extension of time as may be appropriate shall be granted by the Registrar.

Required amount of work

- (7) Where the holder of the license has two or more contiguous claims the required amount of work for all of the claims may be performed on one or more of the claims and reports of work and certificates to be filed in respect of the work shall indicate the claims on which the work was performed and the claims upon which it is to be applied.
- (8) On application, a license shall be renewed notwithstanding that all required work is not performed if the holder, during the ensuing year, agrees to perform the requisite work and in addition performs the amount of work that should have been performed during the previous year.

First renewal

- (9) Notwithstanding subsections (1), (3) and (8), where the required work has not been performed on a claim, the first renewal only shall be granted for the performance of the work. *1978, c.15, s.28.*

29. Execution of license

Every license or renewal thereof shall be executed on the part of the Crown in the name of the Minister under the seal of office or by such person as is designated by the Minister and shall bear the date of the day on which the application therefor was accepted. *1978, c.15, s.29.*

INSPECTION OF MINERAL RIGHTS AND WORK

30. Inspection

- (1) The Registrar may order an inspection of, and any officer appointed by the Minister may inspect, a mineral right at any time with or without notice to the holder for the purpose of ascertaining whether this Act has been complied with, and such investigation may include work.

Report in writing

- (2) A report of each inspection, except when made for the purpose of a dispute, appeal or other proceeding, shall be made in writing by an officer and shall be filed in the office of the Registrar who shall forthwith enter upon the record of the mineral right a note stating the effect of the report and the date of entry. *1978, c.15, s.30.*

31. Notification of claim cancelled

- (1) If the Registrar considers that upon the report the claim should be cancelled he shall mark the record of the claim "Cancelled" and affix his signature or initials and shall forthwith by registered letter notify the holder of the mineral right of the receipt and effect of the report, and where the claim is cancelled in consequence of the report the notice shall so state and give the reasons.

Appeal from cancellation

- (2) An appeal from the cancellation of the claim may be taken by the holder of the mineral right to the Minister for adjudication, but no appeal shall be made more than twenty days after notification by the Registrar to the holder of the mineral right.



Posting of notice of cancellation

- (3) Upon the cancellation of a claim under this section the Registrar shall forthwith post up in the office a notice of the cancellation, and the land or mineral rights comprised in the claim shall thereupon, subject to section 17, be again open to prospecting at a time set by the Registrar, but any new claim shall be subject to the result of any appeal by a licensee whose claim has been cancelled. *1978, c.15, s.31.*

32. Right to report of inspection

The holder of a mineral right shall be entitled on payment of the prescribed fee to receive from the Registrar a certified copy of any report of inspection of the mineral right filed with him. *1978, c.15, s.32.*

DEVELOPMENT LICENSE**33. Holder of exploration license**

- (1) Upon application and payment of the prescribed fee the Minister may issue a development license to the holder of an exploration license including such areas as are contained within one or more claims, not to exceed eighty claims, if the Minister considers that sufficient work has been performed to prove the existence, extent, content and value of a mineral deposit.

Validity and renewal

- (2) A development license is valid for one year from the date of issue and on application to the Minister may be renewed on the anniversary date thereof for further twelve month periods upon payment of the prescribed fee and under such terms and conditions as the Minister may determine. *1978, c.15, s.33.*

MINING LEASE**34. Lease**

No person shall open, work or operate a mine to extract minerals without having first obtained a lease for that purpose. *1978, c.15, s.34.*

35. Application for lease

Subject to section 36, a holder of any license may apply for and obtain a lease, including such areas as are contained within one or more claim not exceeding eighty in number according to the terms and subject to the conditions, as therein contained, upon proof that

- (a) each of the claims is in full force and effect;
- (b) the licensee has paid the prescribed rental; and
- (c) the licensee has deposited with the Registrar a return of survey of the lands to be taken under lease, duly executed by a land surveyor, and that the said return has been accepted by the Registrar. *1978, c.15, s.35.*

36. Submission of reports, plans

- (1) Before an application for a lease is accepted, the applicant shall submit to the Minister for approval reports and plans of the claim or tract proposed to be operated on which shall be shown
- (a) the known location and boundaries of the mineral deposit;
 - (b) the place at which it is proposed to sink or drive any shaft or slope, or make any opening or surface pit;
 - (c) the location of all surface buildings and installations, tailings and waste disposal areas;
 - (d) the number of openings proposed to be made and the size of each;
 - (e) the method by which work is to be carried on, and the method of roof support;
 - (f) the method of ventilation;
 - (g) the proposed method of restoration, reclamation and rehabilitation of the surface lands; and
 - (h) any other engineering plans as the Minister determines.

Additional report

- (2) The plan shall be accompanied by a report stating
- (a) the quantity of mineral proven and possible;
 - (b) the quality and grade of the mineral deposit;
 - (c) the shape and size of the mineral deposit;
 - (d) the system of working proposed to be followed; and
 - (e) the percentage of mineral proposed to be extracted.

Approval by Minister

- (3) If such report or plan is not approved by the Minister, it shall be modified or altered until it is so approved. *1978, c.15, s.36.*

37. Form of lease

- (1) A mining lease in the prescribed form shall be made in duplicate; one duplicate, to be known as the counterpart, shall be issued to the lessee, and the other shall be filed and registered in the office of the Registrar.

Certificate of registry

- (2) A certificate of registry, with the day and year thereof, shall be endorsed on the counterpart delivered to the lessee.

Execution of lease

- (3) A lease shall be executed by the lessee under seal, and on the part of the Crown by the Minister and under seal.

Right to extract minerals

- (4) A lease shall give authority to mine, quarry or extract all or specific minerals for commercial or industrial purposes. *1978, c.15, s.37.*

38. Term

- (1) A lease shall be for a term of twenty years.



Renewal

- (2) A lessee, upon application to the Minister made within six months immediately preceding the expiration of any lease period, shall be entitled to a renewal thereof for a further period of twenty years from such expiration, if the lessee is in good faith working the lease and has complied with the terms and conditions contained in the lease, within the true intent and meaning of this Act.

Cessation of operations

- (3) If at any time during the term of the lease the lessee or operator ceases to operate the mine for a period of twelve months, the lease shall be surrendered and a development license issued under section 33 shall be substituted therefor.

Application for lease

- (4) At any time during the term of a development license issued pursuant to subsection (3), the holder thereof may apply for a lease to carry on mining operations. *1978, c.15, s.38.*

39. Proof of work performed

- (1) A lessee shall, in each lease year, perform or cause to be performed on the demised premises development work or mining, or both, and shall, annually, not later than thirty days after the anniversary date of the lease, furnish proof of all work performed during the twelve-month period prior to the anniversary date.

Annual rental

- (2) Rental at the prescribed rate shall be paid annually on or before the anniversary date of the lease for the ensuing year. *1978, c.15, s.39.*

40. Application of surrender of leases

Subject to this Act, the Minister may accept upon application a surrender of two or more leases and issue one lease for the whole or any smaller portion of the claims or tracts covered by the surrendered leases and may include in any such lease an additional claim. *1978, c.15, s.40.*

FORFEITURE OF LEASE**41. Forfeiture of lease**

A lease may be forfeited for failure to comply with any terms, conditions, stipulations, covenants or provisions. *1978, c.15, s.41.*

42. For non-payment of rent

- (1) If rent under a lease is not paid on or before the anniversary date of the lease in any year, and it continues unpaid for a period of thirty days thereafter, the lease shall be forfeited and the claim or tract covered by the lease shall be open for application for license or lease at such time as the Minister determines.

For non-payment of royalty

- (2) If the royalty is not paid in full within thirty days after it is due and payable the lease, whether the said royalty has been demanded or not, shall be forfeited and, subject to section 71, void

and the claim or tract covered by the lease shall be open for application for license or lease at such time as the Minister determines.

Forfeiture for failure to work

- (3) If the work required to be performed on a lease is not reported in writing in the form and containing the information required by this Act and is not filed with the Minister within thirty days after the date on which the report is so required to be filed, the lease shall be forfeited and, subject to section 71, void. *1978, c.15, s.42.*

43. Notice of forfeiture investigation

- (1) Whenever it is represented to or comes to the knowledge of the Minister that the lessee has failed to comply with any one or more of the conditions, stipulations, covenants or provisions of the lease, the Minister shall cause a notice to be served by prepaid registered mail upon the lessee thereof, informing the lessee of the failure or alleged failure to comply and appointing a place and time, not less than thirty days after the service of such notice, for an investigation thereof.

Hearing

- (2) At the time and place appointed, the Minister shall proceed to investigate the case and decide thereon, and may either cancel the lease and declare the area, claim or tract so leased forfeited or extend the time during which it shall be necessary to comply with any one or more of the conditions set forth in the lease, or make such other order or decision as may seem just and equitable; and shall thereupon give notice of the decision to the lessee.

Forfeiture for non-compliance

- (3) If further time is given to the lessee by the Minister, and if within that time the lessee does not comply with the conditions contained in the lease to the satisfaction of the Minister, the claim or tract so leased shall be forfeited and the lease of the same shall, subject to section 71, be void. *1978, c.15, s.43.*

44. Declaration of forfeiture

The Minister may make a declaration of forfeiture and the declaration shall set forth clearly the conditions that resulted in the forfeiture. *1978, c.15, s.44.*

45. Effect

- (1) When a declaration of forfeiture is made the lessee and all lienholders shall cease to have any interest in the lease forfeited and in the claim or tract.

Mining to cease

- (2) Immediately upon a copy of the declaration of forfeiture being served upon him, the lessee shall cease all mining operations on the claim or tract covered by the lease.

Removal of buildings and plant

- (3) The lessee shall not, without the written authorization of the Minister, remove any buildings, machinery, plant, minerals extracted, slimes or tailings in or upon the area, claim or tract, before the end of six months after service of a copy of the declaration.

Removal within six months or deemed Crown property

- (4) When the Minister authorizes a lessee to remove any buildings, machinery, plant, minerals extracted, slimes or tailings, the same shall be removed by the lessee within six months from



the date of the written authorization of the Minister and any buildings, machinery, plant, minerals extracted, slimes or tailings, remaining after the six months have expired shall be deemed the property of the Crown and may be disposed of as the Minister in his discretion determines and the lessee shall not be entitled to compensation for the same. *1978, c.15, s.45.*

46. Auction

If the Minister considers it expedient, the right to lease the area, claim or tract which is the subject of a forfeited lease may be offered for tender or sale at public auction, or otherwise disposed of, upon such terms and conditions as the Minister may determine. *1978, c.15, s.46.*

TRANSFERS

47. Consent of Minister

- (1) No licensee or lessee shall at any time during the term of the license or lease, assign, sublet, transfer or otherwise part with the license or lease or any rights thereunder without first obtaining the consent of the Minister in writing.

Hearing on refusal of consent or ratification

- (2) Where the Minister refuses to consent to or ratify a transfer for which application has been made in proper form and with the information required to be furnished, the Minister, if the applicant so requests in writing, shall hear representations to determine the right of the applicant to receive the consent or ratification. *1978, c.15, s.47.*

48. Transfers of fractional interests

No transfer shall be registered unless it conveys one or more complete claims. *1978, c.15, s.48.*

49. Form of transfer

A transfer of mineral right or of any interest therein may be in the prescribed form and shall be signed by the transferor or by his agent authorized in writing. *1978, c.15, s.49.*

50. Requirements for recording documents

- (1) Except as in this Act otherwise expressly provided no transfer or assignment of, or agreement or other document affecting a mineral right or any recorded right or interest acquired under this Act, shall be received by the Registrar and entered on the record unless it is signed by the recorded holder of the mineral right or interest affected, or by the duly authorized agent, and there shall be attached to the document or endorsed thereon the affidavit of a subscribing witness verifying the signature.

Execution of document

- (2) If the document is signed by an agent there shall also be filed a written document so authorizing the agent to sign, and the execution of the document shall be certified by affidavit attached thereto or endorsed thereon. *1978, c.15, s.50.*

SURRENDER AND ABANDONMENT

51. Surrender

- (1) The holder of a license or lease may surrender it by notice in writing lodged in the office, together with the duplicate of the license or lease.

Affidavit of loss

- (2) If the duplicate is lost the Minister may accept an affidavit, verifying the fact of the loss in place of the duplicate. *1978, c.15, s.51.*

52. Lessee remains liable

Notwithstanding the surrender of any lease, the lessee shall remain liable at the date of surrender for any terms and conditions of the lease or terms and conditions of this Act. *1978, c.15, s.52.*

53. Removal of buildings and plant

- (1) Where the holder of a mineral right abandons or surrenders a mineral right, or where the mineral right is cancelled or forfeited under this Act or the regulations, the licensee or the lessee shall not remove from the claim, lands or rights any buildings, machinery, plant, minerals extracted, slimes or tailings therefrom without the written authorization of the Minister.

Application of s. 45

- (2) Subsection 45(4) applies with the necessary changes to any buildings, machinery, plant, minerals extracted, slimes or tailings coming within subsection (1).

Recording of claim by subsequent licensee

- (3) The recording of a claim by a subsequent licensee does not confer upon that licensee any right respecting buildings, machinery, plant, minerals extracted, slimes or tailings acquired by the Crown pursuant to subsection (2). *1978, c.15, s.53.*

ENTRY UPON MINERAL LANDS

54. Consent of owner

No licensee shall enter upon or prospect any private lands included in his license except with the consent of the owner or tenant or occupant or under special license from the Minister. *1978, c.15, s.54.*

55. Crown lands

Crown lands may be entered upon and prospected only with the consent of the Minister and upon such terms and conditions as may be prescribed. *1978, c.15, s.55.*

56. Application to Minister

- (1) A licensee who is unable to make an agreement with the owner, tenant or occupant of private lands for the right to enter and prospect the lands covered by his license or any part thereof



may apply to the Minister, after notice to the owner, tenant or occupant, for a special license to enter and prospect upon the lands.

Special license; compensation

- (2) The Minister after hearing the parties may grant a special license upon such terms and conditions as the Minister may think proper, and may determine the amount of any compensation to be paid to the owner, tenant or occupant and the manner and time of payment of the same.

Order for security

- (3) The Minister may order the giving of security for payment of the compensation and may prohibit, pending the determination of the proceeding or until the compensation is paid or secured, further prospecting or working by such licensee or any person claiming under him.

Difficulties effecting service

- (4) Where there are several owners, tenants or occupants of the lands sought to be entered and there are in the opinion of the Minister special difficulties in effecting service of any notice under this section, the Minister may order substituted service in such manner as he may determine.

No appeal

- (5) There shall be no appeal from the granting by the Minister of a special license nor from his determination as to the amount of compensation nor from any order for security nor from any order or decision or ruling in respect thereto.

Delay caused by surface owner

- (6) Where a licensee is delayed in the performance of work on the land covered by his license by the refusal of the owner of the land to permit the licensee to enter and prospect the lands and the Minister has granted him a special license under this section, the time within which the licensee is required to perform work under his license shall be extended by a period equal to the delay resulting from the owner's refusal to permit him to enter and prospect the land. 1978, c.15, s.56.

ACQUISITION OF LANDS

57. Right to enter private lands

No lessee shall enter upon or use for mining purposes any private lands until the lessee has obtained the right to enter upon and use the same for mining purposes by agreement with the owner or under this Act. 1978, c.15, s.57.

58. Application to Minister re: auxiliary operations

- (1) Whenever a lessee requires any land, or any right of interest in any land, for any of the following purposes: commencing any mining or quarrying operation, the working of any mine, ore dump, mine waste dump, or tailings deposit in existence, or the protection of any mine or the workings thereof, supplying water to any quarry, mine, quarrying or mining operation in existence or projected, or to any operation carried on for the purpose of treating ore dumps, mine waste dumps, or tailings deposit, draining water therefrom, building dwellings, or supplying such dwellings with water, constructing or grading any roadway, constructing an electric light or power line or conduit or for any other purpose connected with

opening or operating any quarry, mine or number of quarries or mines with the treating of ore dumps, mine waste dumps, or tailings deposits, or constructing or adding to any railway, building, machinery, plant, wharf, or work connected with or incidental to the operation of any mine, quarry, ore dump, mine waste dump, or tailings deposit, or shipping the products therefrom, or for a site for a power house, or for the erecting or maintaining of a pole line, or for the conveyance of power, and no agreement can be made for the acquisition thereof, or a right-of-way or easement in respect to any lands, the lessee may present an application to the Minister stating

- (a) that he is the lessee under a certain lease;
- (b) that the lessee requires certain property or some right or interest therein, of which a plan and description is attached, for some one or more of the above purposes in connection with the area covered by the said lease;
- (c) that a person named is the owner of the property, and that the lessee is willing to make an agreement with such owner for the acquisition of the property, right or interest, stating the nature of the proposed agreement, and the price that the lessee is willing to pay, but the owner is unwilling to accept; and
- (d) that the applicant requests that proceedings may be taken under this Act to enable the lessee to acquire the property, right or interest.

Hearing by Minister

- (2) Upon receipt of the application, the Minister may in his discretion appoint a time and place for hearing the matter of the application, and the lessee shall serve upon the owner, and any other person that the Minister directs, not less than ten days before the date appointed for the hearing, a notice in writing of the time and place so appointed and a copy of the application, plan and description.

Notice of hearing

- (3) The Minister may, if considered expedient, direct that a copy of the notice and of the application be published by advertisement in such newspapers as he may determine.

Idem

- (4) If the lessee states in the application that the owner of the property is unknown, giving any information as to the ownership that has been obtained, the Minister may give directions as to the service of the notice and application or may dispense therewith.

Deposit

- (5) An application shall be accompanied by the deposit with the Minister of such sum as directed for any costs or expenses that may be ordered to be paid by the lessee to the owner.

Delay caused by surface owner

- (6) Where a lessee is delayed in the performance of work on the land covered by the lease by the refusal of the owner of the land to make an agreement for the granting to the lessee of the land or an interest in it that would enable the lessee to perform the work and a right or interest in the land is vested in the lessee under section 60 the time within which the lessee is required to perform work under the lease shall be extended by a period equal to the delay resulting from the owners refusal to grant the land or interest in it to the lessee. *1978, c.15, s.58.*

59. Proceedings

- (1) At the time and place appointed the Minister shall hear the matter of the application.



- (2) Any person claiming to have a right, title, mortgage, judgment or other lien upon the property sought to be acquired or affected may appear and be heard in person or by counsel.
- (3) The Minister may adjourn the hearing from time to time as he considers fit and may direct such inquiries and reports to be made by such persons as he considers fit, and witnesses may be called and examined upon oath, and the provisions respecting compelling witnesses to attend and proceedings for contempt at investigations hereinafter contained shall apply to any such hearing. *1978, c.15, s.59.*

60. Order by Minister

- (1) After the conclusion of the hearing, the Minister shall make an order by which he may
 - (a) dismiss the application;
 - (b) allow the application in whole or in part and direct that the property sought to be acquired whether in fee simple or otherwise or any part thereof or the right or interest therein sought or any lesser right or interest shall be vested in the applicant;
 - (c) make such further order for the disposal of the case as appears to him to be just.

Appeal

- (2) There shall be no appeal from an order made by the Minister under subsection (1).

Compensation

- (3) The Minister may fix and determine the amount of compensation to be paid the owner by the lessee or declare that the compensation to be paid the owner by the lessee shall be determined by arbitration as hereinafter specified.

Service

- (4) A copy of the order shall be served by the lessee on the owner, by personal service or advertisement, or in such other manner as the Minister may direct.

Costs and expenses

- (5) In the order the Minister may order that an amount for costs and expenses shall be paid by the lessee to the owner or to any other person appearing on the said hearing, and any amount so ordered to be paid may be paid out of any money deposited with the Minister under subsection 58(5), and any excess above the sum so deposited may be recovered by action by the person entitled to receive the same, and in any such action the order of the Minister shall be conclusive evidence of the right to receive the same.

Arbitration

- (6) If the Minister directs that any compensation shall be determined by arbitration, the lessee may, within ten days from the making of the order, serve the owner or such person as the Minister directs with a notice stating the name of the person selected as arbitrator by the lessee and requiring the person served to appoint an arbitrator on his behalf within ten days from service of the notice, and thereupon the amount of compensation shall be determined in the manner provided in this Act. *1978, c.15, s.60.*

61. Arbitration proceedings

- (1) In any case in which it is provided by this Act or by order of the Minister that any compensation is to be paid by a lessee and that the amount thereof is to be determined by arbitration, any person
 - (a) who is entitled to receive any compensation; or

- (b) who is required to pay compensation as the condition of acquiring any property or right,

may serve the person who is required to pay the compensation or to receive the same, as the case may be, with a notice that he requires the amount of compensation to be determined by arbitration, and either in the same notice or a separate notice name a person to be his arbitrator and notifying the party served to name an arbitrator to act for him, and that if he fails to appoint an arbitrator within ten days after service of the notice an arbitrator to act for him may be appointed by the Minister.

Arbitrator named

- (2) If the person so notified fails to name an arbitrator within the ten days, the Minister shall, on the application of the lessee, name an arbitrator for the person so notified.

Third arbitrator

- (3) The two arbitrators so appointed shall forthwith name and appoint a third arbitrator, and if they cannot agree he shall be appointed by the Minister on the application of either party.

More than one claimant

- (4) If the compensation is payable to two or more persons, jointly or severally, the Minister may by notice addressed to each of them require them to agree upon an arbitrator to represent them collectively and, if they fail to agree, an arbitrator to represent them collectively may be appointed by the Minister.

Determination of compensation by arbitrators

- (5) The arbitrators, after having taken an oath before a justice of the peace to fulfil the duties of their offices faithfully and impartially, shall immediately proceed to determine the compensation to be paid.

Notice to all arbitrators

- (6) No award shall be given, and no official act done by the majority of the arbitrators, unless at a meeting of which the other arbitrator has received notice, at least two clear days before, stating the time and place of such meeting.

Witnesses

- (7) The arbitrators may swear the parties and their witnesses and, in their discretion, interrogate them under oath, and may view the premises.

Apportioning compensation

- (8) If there are several owners, and all of them are known, the arbitrators shall determine the share of the compensation awarded to which each owner is entitled.

Valuation

- (9) In deciding upon the compensation to be paid, the arbitrators are authorized and required to take into consideration the inconveniences, loss, or damage arising from the land being taken, but shall not take into consideration the existence of minerals or metals in, upon, or under the land.

Informality in award

- (10) If an award fixes the amount of compensation with sufficient certainty the same shall not be set aside because the persons entitled to the compensation awarded are not designated by name or sufficiently designated, or by reason of any irregularity as to the persons entitled, or for any matter of form; but the Supreme Court, or a judge thereof, may rectify any error or



informality, and adopt such proceedings as are necessary for determining to whom the compensation shall be paid, or for otherwise carrying into effect the provisions and intent of this Act.

Single arbitrator

- (11) By consent of parties the compensation may be determined by a single arbitrator.

Recovery of compensation

- (12) The amount of compensation determined by the Minister to be paid to any person, or the amount of compensation awarded to any person by an arbitrator, or arbitrators, may be sued for and recovered by such person as a debt in any court of competent jurisdiction, and the judgment of the court may be enforced by execution.

Payment of compensation by licensee or lessee

- (13) Subject to section 62, when the award of the arbitrator or arbitrators is given, or when the amount of compensation is determined by the Minister, the amount of compensation awarded shall be paid by any licensee or lessee to the person entitled to receive the same. *1978, c.15, s.61.*

62. Payment of compensation into court

- (1) If
- (a) the person entitled to receive the compensation refuses to accept payment thereof;
 - (b) such person is unknown, or is an infant or person of unsound mind, or is absent from the province or cannot be found or has no agent within the province known or notified to the Minister and authorized to receive the same;
 - (c) the title to the property affected is uncertain or disputed or the lessee or licensee has reason to fear any claim or encumbrance affecting the same; or
 - (d) the Minister considers it advisable and so directs,

the licensee or lessee may pay the amount of compensation awarded into the Supreme Court to the Prothonotary.

Discharge from further claims

- (2) The payment by a licensee or lessee of compensation for damage, or to acquire title to any land, either to the owner, tenant or occupant of the land or to the Prothonotary, as the case may be, shall discharge the licensee or lessee from any further claim in respect thereto by the owner, tenant or occupant of the land.

Investigation by judge

- (3) If the compensation awarded has been paid into the Supreme Court, the court or any judge thereof may upon application of any person claiming to be entitled to the compensation, or any part thereof, investigate his right to the same and, upon being satisfied by affidavit or oral testimony that notice of the hearing of the application has been served upon all persons interested therein, and that the person claiming is entitled to the compensation or any part thereof, may direct the Prothonotary to pay to that person the amount of the compensation to which he is entitled.

Recovery of money

- (4) Any person who claims to be entitled to any damages or compensation which has been paid to any other person by a licensee or lessee or by the Prothonotary under an order of the court or a judge, and who has not received notice of the application for the order, may recover the

money so paid by action on showing that he was the person rightfully entitled thereto. 1978, c.15, s.62; 2008, c.20, s.72(62).

63. Registration of order

- (1) A copy of an order made by the Minister vesting any land or right or interest therein in any lessee duly certified under his hand and the seal of his office, together with
- (a) a copy of any plan or description referred to therein;
 - (b) a copy of any award of any compensation ordered to be paid by the order; and
 - (c) a copy of the receipt for the payment of compensation from the person entitled to receive the same or from the Prothonotary of the Supreme Court, as the case may be, or a copy of affidavit of payment of the compensation to that person or the Prothonotary,

shall be lodged in the Registry of Deeds for the registration district in which the land in respect to which the order is made lies.

Proof of documents

- (2) At the time of filing the copies there shall be filed with the registrar an affidavit of the due execution of the originals of the said award and receipt and the affidavit shall state that all the copies filed are true copies of the originals.

Failure to give receipt

- (3) If the person entitled to receive the compensation has received the same, but has refused to give a receipt therefor, the affidavit relating thereto shall state the fact of payment and of such refusal.

Registrar's fee

- (4) The registrar shall be entitled to charge for the registration the fees provided for the registration of instruments under the *Registry Act* R.S.P.E.I. 1988, Cap. R-10.

Vesting

- (5) Upon payment of the amount of compensation awarded and the lodging in the registry of the documents required by this section to be so lodged, the lessee shall have, hold and enjoy the property or right or interest specified in the order for the term and upon the estate and for the purpose specified in the order, and until payment has been made and the documents lodged for registry the lessee shall not enter upon the property or possess any right or interest therein. 1978, c.15, s.63.

64. Saving clause

Nothing in the foregoing provisions respecting the acquisition of property or any right or interest therein shall be construed to abridge any right to acquire any property, right or interest, conferred upon any person or company by any enactment. 1978, c.15, s.64.

65. Protection of property

Every lessee who has acquired any property, right or interest under this Act shall, if the property, right or interest is less than fee simple, use the same for some purpose connected with mining and for no other purpose and shall use the same in such manner as is least injurious to the owner of the land. 1978, c.15, s.65.



INVESTIGATIONS

66. Powers of investigator

The Minister or a person appointed by the Minister may make an investigation into any matter to which this Act applies for the purpose of the investigation the person making it has all the powers of a commissioner under the *Public Inquiries Act, 1978, c.15, s.66*.

67. Specific powers

The Minister or person designated by the Minister upon any investigation shall have power

- (a) to accept either in whole or in part any application previously refused;
- (b) to amend any license or lease which covers a claim or tract covered by a previous license or lease;
- (c) to adjust the rights of various persons in dispute; and
- (d) to make such further order for the disposal of the matter as appears to be just. *1978, c.15, s.67.*

BONDS

68. Bonds

- (1) Any bond or security given under this Act shall be
 - (a) money or bonds acceptable to the Minister;
 - (b) a bond from a bonding company licensed to do business in the province; or
 - (c) a promissory note payable on demand that a chartered bank has agreed to honour on presentation for payment.

Order assigning bond

- (2) The Minister, on application made to him by any person, and on being satisfied that the condition of any bond given to him has been broken, may make an order assigning the bond to some person to be named in the order, and such person, his executors or administrators, shall thereupon be entitled to sue on the bond in his own name as if the bond had been originally given to him and to recover thereon as trustee for all persons interested the full amount recoverable in respect of any breach of the conditions of the bond.

Appeal

- (3) There shall be no appeal from an order of the Minister assigning the bond under subsection (2). *1978, c.15, s.68.*

ROYALTIES

69. Royalties

All ores and minerals mined, wrought or won under authority of a license, lease or any recorded right or interest acquired under this or any Act heretofore passed by the Legislature are subject to such royalties to the Crown in right of the province as shall from time to time be imposed by order of the Lieutenant Governor in Council. *1978, c.15, s.69.*

70. Payable to Crown

All royalties shall be payable to the Crown in right of the province and shall bear interest at the prescribed rate from the time when due until paid. *1978, c.15, s.70.*

71. Priority of Crown

The claim of the Crown for royalties shall have priority over every other charge or claim against the area, claim or tract covered by the lease under which such royalties are payable, and against all fixtures, machinery, goods and chattels used in working and operating the mine situated thereon, and shall continue against all such fixtures, machinery, goods and chattels notwithstanding the forfeiture of the lease under this Act. *1978, c.15, s.71.*

OFFENCES AND PENALTIES

72. Offences, fine and imprisonment

- (1) Any person who fails to comply with or otherwise contravenes any of the provisions of this Act or any order made thereunder or who interferes with any officer in carrying out any duties under this Act or any order made thereunder is guilty of an offence and is, where no penalty is specifically provided in this Act, liable on summary conviction to a fine not exceeding \$1,000.

Further prosecution

- (2) The conviction of any person under this Act for failure to comply with any requirement or obligation referred to in subsection (1) does not operate as a bar to further prosecution for the continued failure of that person so to comply. *1978, c.15, s.72; 1994, c.58, s.6.*

