1972

c 116 The Mining Amendment Act, 1972

Ontario
CHAPTER 116

An Act to amend The Mining Act

Assented to June 30th, 1972
Session Prorogued December 15th, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. (1) Paragraph 12 of section 1 of The Mining Act, being chapter 274 of the Revised Statutes of Ontario, 1970, is amended by striking out "miner's" in the second line and inserting in lieu thereof "prospector's".

(2) Paragraph 22 of the said section 1 is amended by striking out "85" in the fourth line.

2. (1) Subsection 1 of section 24 of the said Act is amended by striking out "miner's" in the first line and inserting in lieu thereof "prospector's".

(2) Subsection 2 of the said section 24 is amended by striking out "miner's" in the third line and inserting in lieu thereof "prospector's".

3. Subsection 1 of section 25 of the said Act is amended by striking out "miner's" in the second line and inserting in lieu thereof "prospector's".

4. Section 26 of the said Act is amended by striking out "miner's" in the first line and inserting in lieu thereof "prospector's".

5. Section 27 of the said Act is amended by striking out "miner's" in the first line and inserting in lieu thereof "prospector's".

6. Subsection 1 of section 29 of the said Act is amended by striking out "miner's" in the first line and inserting in lieu thereof "prospector's".

7. Subsection 1 of section 30 of the said Act is amended by striking out "miner's" in the second line and inserting in lieu thereof "prospector's".
s. 33, repealed

8. Section 33 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is repealed.

s. 35, amended

9. Section 35 of the said Act is amended by striking out "miner's" in the first line and inserting in lieu thereof "prospector's".

Heading,
s. 45, repealed

10. The heading immediately preceding section 46 of the said Act and the said section 46 are repealed.

s. 52 (1, 2), re-enacted,
s. 52 (3), repealed

11.—(1) Subsections 1, 2 and 3 of section 52 of the said Act are repealed and the following substituted therefor:

Rates for licence of occupation

(1) Notwithstanding the provisions of a licence of occupation, a minimum annual rental of $1 an acre but not less than $5 a year, payable in advance, shall be paid for the licence of occupation.

When annual rental to be paid

(2) Where a licence of occupation does not specify a date for the payment of the annual rental, the annual rental shall be paid on the anniversary of the effective date of the licence.

s. 52, amended

(2) The said section 52 is amended by adding thereto the following subsections:

Lease may be issued under s. 104

(7) The holder of a licence of occupation, upon application in writing therefor and upon the surrender of his licence of occupation, may be issued a lease under section 104 and the rental for each year of the term thereof shall be that prescribed by section 104 for years subsequent to the first year of a term under that section.

Application

(8) This section applies only to a licence of occupation issued under section 52 of The Mining Act, being chapter 241 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, and any licence of occupation heretofore issued without a provision for an annual payment.

s. 53, repealed

12. Section 53 of the said Act is repealed.

s. 55 (2, 3), repealed

13. Subsections 2 and 3 of section 55 of the said Act are repealed.

s. 56 (6), repealed

14. Subsection 6 of section 56 of the said Act is repealed.

s. 66, amended

15. Section 66 of the said Act is amended by adding thereto the following subsection:
(1a) Notwithstanding clause d of subsection 1, where a plan of survey has not been filed, the recorder may issue a certificate of record if he is satisfied that clauses a, b, c and e of subsection 1 have been complied with and upon payment of a fee at the rate of $25 a claim.

16. Subsection 12 of section 85 of the said Act is repealed and the following substituted therefor:

(12) Notwithstanding subsection 6, if the work is diamond drilling and the length of the drill hole is greater than 4,000 feet, the maximum number of days work permitted under that subsection to be performed on a claim for application on other claims is increased by,

(a) one and one-half days for each foot of boring that is more than 4,000 feet and not more than 5,000 feet, and

(b) two days for each foot of boring that is more than 5,000 feet.

17.—(1) Clause c of subsection 5 of section 86 of the said Act is repealed.

(2) Subsection 15 of the said section 86 is repealed and the following substituted therefor:

(15) Subsection 6 of section 85 does not apply to geological, geochemical and geophysical work, but for the purposes of this Act, in the application to record the work credits for such work performed on two or more claims, the recorded holder of the mining claims shall identify the claims on which the work was performed and the total number of work credits claimed and shall apply to record such number in equal parts to each of the claims and the recorder shall record the work credits accordingly and in no other way.

(15a) In approving work credits applied for under subsection 15, the Minister may apply the approved work credits to the claims in such manner as he determines.

(3) Subsection 18 of the said section 86, as re-enacted by the Statutes of Ontario, 1971, chapter 102, section 3, is repealed and the following substituted therefor:

(18) Beneficiation studies, analyses, assays, microscopic studies and other types of exploration or development studies and other types of exploration or development studies and other types of exploration or development studies and other types of exploration or development studies and other types of exploration or development studies and other types of exploration or development.
work not otherwise provided for in this Act may be counted as work at a rate not exceeding one day's work for each $15 expended, but not more than sixty days work may be recorded in respect of each claim, and credit for the work shall be cancelled by the recorder unless satisfactory reports, maps and proof of expenditures in duplicate satisfactory to the Minister, are submitted to the Minister within sixty days of the recording of the work and are approved.

s. 86. amended

(4) The said section 86, as amended by the Statutes of Ontario, 1971, chapter 102, section 3, is further amended by adding thereto the following subsection:

Extensions

(21) Notwithstanding subsections 9, 10, 11, 12 and 18 and section 87, the Minister may allow an extension of the time required to file thereunder reports and plans with the Minister for any time not exceeding sixty days.

s. 103. repealed

s. 104 (14). amended

18. Section 103 of the said Act is repealed.

19. Subsection 14 of section 104 of the said Act is amended by striking out "or leasing until reopened by the Lieutenant Governor in Council" in the sixth and seventh lines and inserting in lieu thereof "sale or lease under this Act until a date fixed by the Deputy Minister, two weeks notice of which shall be published in The Ontario Gazette".

s. 104a. enacted

20. The said Act is amended by adding thereto the following section:

Interpretation

104a.—(1) In this section, 'lease' means a lease of surface and mining rights or of mining rights issued under section 47, 52 or 100 of The Mining Act, being chapter 241 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, and includes a renewal of such a lease.

Rate

(2) Subject to subsection 3, notwithstanding the provisions of a lease, the annual rental for a lease is $1 an acre, but the minimum annual rental shall be $10 and shall be payable in advance.

Application

(3) Subsection 2 does not affect the rental payable under a lease for the balance of the term in effect on the day this section comes into force.

Renewal of lease

(4) A lease is renewable in perpetuity for periods of ten years and every renewal shall date from the day
following the expiry of the lease if application therefor is made within ninety days of the expiration of the lease or within such further period as the Minister, in the circumstances of the case, considers proper.

(5) Where payment of the rental under a lease is in arrears for two years or more, the lease may be terminated by an instrument in writing.

(6) Where a lease has not been renewed under subsection 4 or has been terminated under subsection 5, the Minister may cause a notice of termination to be registered in the proper land titles or registry office, and the master of titles or registrar of the registry division, as the case may be, shall, upon receipt of the notice, duly register it, and thereupon all the interests of the lessee, his heirs, executors, administrators, successors and assigns shall be deemed to have ceased and determined, and the land included in such lease is vested in the Crown, freed and discharged from every claim.

(7) Upon registration of the notice under subsection 5 in the land titles or registry office, The Land Titles Act or The Registry Act, as the case may be, ceases to apply to the lands, and the master of titles or the registrar shall note that fact in his register in red ink.

(8) When a lease is terminated under this section, the lease and all rights and powers therein contained, as well as all rights and claims of the lessee, his heirs, executors, administrators or assigns in or to the lands covered by the lease, cease, and such lands are vested in the Crown, freed and discharged from every claim and are not open for prospecting, staking out, sale or lease under this Act until a date fixed by the Deputy Minister, two weeks notice of which shall be published in The Ontario Gazette.

(9) The holder of a lease, upon application in writing therefor and upon the surrender of his lease, may be issued a lease under section 104 for a term of twenty-one years, and the rental for each year of the term thereof shall be that prescribed by section 104 for years subsequent to the first year of a term under that section.

21. Subsection 6 of section 106 of the said Act is amended by striking out "8" in the first line and inserting in lieu thereof "9".
22. Subsection 3 of section 122 of the said Act is amended by striking out "miner's" in the sixth line and inserting in lieu thereof "prospector's".

23. Clause j of subsection 1 of section 628 of the said Act is amended by striking out "miner's" in the second line and inserting in lieu thereof "prospector's".

24. Section 636 of the said Act is amended by striking out "miner's" in the first line and inserting in lieu thereof "prospector's".

25.—(1) Item 1 of the Schedule to the said Act is repealed and the following substituted therefor:

1. For a prospector's licence or renewal thereof for an individual. (See sections 25, 28) $ 5.00

(2) Item 2 of the said Schedule is amended by striking out "miner's" in the first line and inserting in lieu thereof "prospector's".

(3) Item 7 of the said Schedule is amended by striking out "sections 63, 648" and inserting in lieu thereof "section 65".

(4) Item 8 of the said Schedule is amended by striking out "sections 66, 648" and inserting in lieu thereof "section 66".

(5) Item 9 of the said Schedule is amended by striking out "sections 85, 648" in the first and second lines and inserting in lieu thereof "section 85".

(6) Item 10 of the said Schedule is amended by striking out "sections 146, 648" and inserting in lieu thereof "section 146".

(7) Item 11 of the said Schedule is amended by striking out "sections 164, 648" in the first and second lines and inserting in lieu thereof "section 164".

(8) Item 14 of the said Schedule is repealed and the following substituted therefor:

14. For a substituted prospector's licence. (See section 29) $ 1.00

(9) Item 18 of the said Schedule is amended by striking out "sections 84, 648" in the second line and inserting in lieu thereof "section 84".
(10) Item 19 of the said Schedule is amended by striking out Schedule, Item 19, “sections 84, 648” in the second and third lines and inserting amended in lieu thereof “section 84”.

26. — (1) This Act, except subsection 2 of section 1 and 
sections 11, 12, 13 and 21, comes into force on the day it 
receives Royal Assent.

(2) Subsection 2 of section 1 and sections 11, 12, 13 and 21 Idem shall be deemed to have come into force on the 1st day of September, 1971.

27. This Act may be cited as The Mining Amendment Act, Short title 1972.