

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **229**, Approved and Ordered **APR 19 2012**

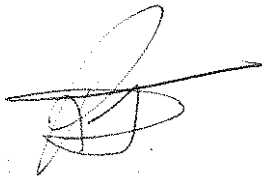

L. K. Brown
~~Lieutenant Governor~~
Administrator

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the ~~Lieutenant Governor~~^{Administrator}, by and with the advice and consent of the Executive Council, orders that, effective July 1, 2012,

- (a) sections 61, 65 and 69 of the *Miscellaneous Statutes Amendment Act (No. 3), 2010*, S.B.C. 2010, c. 21, are brought into force, and
- (b) the Mineral Tenure Act Regulation, B.C. Reg. 529/2004, is amended as set out in the attached Appendix.

DEPOSITED
April 20, 2012
B.C. REG. **89/2012**



*Minister of Energy and Mines and Minister
Responsible for Housing*



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Mineral Tenure Act*, R.S.B.C. 1996, c. 292, section 65;
Miscellaneous Statutes Amendment Act (No. 3), 2010, S.B.C. 2010, c. 21, section 247

Other: OIC 1161/2004

APPENDIX

1 *Section 4 (1) of the Mineral Tenure Act Regulation, B.C. Reg. 529/2004, is amended by striking out "25" and substituting "100".*

2 *Sections 5 (6) and 6 (3) are repealed.*

3 *The following section is added:*

Subdivision of cell claims

5.1 (1) In this section:

"original cell claim" means a cell claim that consists of 2 or more cells and in respect of which the recorded holder registers or proposes to register 2 or more subdivided cell claims;

"subdivided cell claim", in respect of an original cell claim, means a cell claim that results from the subdivision of the original cell claim.

- (2) A recorded holder may subdivide an original cell claim under section 24.3 of the Act by registering 2 or more subdivided cell claims in accordance with this section.
- (3) If there is more than one recorded holder of the original cell claim, the application to register subdivided cell claims from that original cell claim must be made by all the recorded holders to hold each subdivided cell claim as tenants in common in the same proportions of ownership as they held in the original cell claim.
- (4) The sum of the areas of the resulting subdivided cell claims must equal the area of the original cell claim.
- (5) A mineral claim may be subdivided only into mineral claims and a placer claim may be subdivided only into placer claims.
- (6) On the registration of subdivided cell claims
 - (a) the original cell claim is continued as the subdivided cell claims, and
 - (b) the subdivided cell claims are deemed to have been registered on the date the original cell claim was registered and to have the same expiry date as the original cell claim.
- (7) Subdivided cell claims may not be registered for an original cell claim in respect of which the recorded holder has
 - (a) registered an application for a lease under section 42 or 45 of the Act until the application has been finally determined, or
 - (b) initiated the registration of a transfer of ownership of the original cell claim under section 12 of this regulation until the transfer is complete or the registration is invalidated under section 12 (5) of this regulation.

4 *Sections 8 (2) and 10 (1) are amended by striking out "pay the prescribed fee and".*

5 *Section 8 is amended*

(a) in subsection (4) by repealing paragraphs (a) and (b) and substituting the following:

- (a) \$5 per hectare for each of the first and second anniversary years,*
- (b) \$10 per hectare for each of the third and fourth anniversary years,*
- (c) \$15 per hectare for each of the fifth and sixth anniversary years, and*
- (d) \$20 per hectare for each subsequent anniversary year. , and*

(b) in subsection (5) by striking out “for one year is at least \$10 per hectare.” and substituting “for one anniversary year is at least \$20 per hectare.”

6 *Section 9 is amended*

(a) in subsection (4) by striking out “and on payment of the prescribed fee”, and

(b) in subsection (5) by striking out “the value of the credit must be calculated on the basis of \$16 per hectare per year” and substituting “the value of the credits required to maintain the claim for each year is \$40 per hectare”.

7 *Section 10 is amended*

(a) in subsection (3) by striking out “and the fee”,

(b) by repealing subsection (5) and substituting the following:

(5) The required payment to maintain a mineral claim for an anniversary year is double the value of exploration and development that would be required to maintain the claim under section 8 (4) for the anniversary year. , and

(c) in subsection (6) by striking out “for each year is \$10 per hectare.” and substituting “for each anniversary year is \$40 per hectare.”

8 *Section 11 (1) is repealed and the following substituted:*

(1) For the purposes of section 33.1 of the Act, a recorded holder may revise the existing expiry date of a claim

- (a) by registering an expiry date change and a statement of exploration and development showing at least the amount of exploration and development required under section 8 of this regulation to maintain the claim to the new expiry date, or*
- (b) to a date that is not less than 6 months later than the existing expiry date by registering an expiry date change and making a payment instead of exploration and development in the amount required under section 10 of this regulation to maintain the claim until the new expiry date.*

9 *Section 12 (4) is amended by striking out “and payment of the prescribed fee by the transferee”.*

10 *Section 17 (2) is repealed and the following substituted:*

- (2) A recorded holder of a placer claim must not produce or cause to be produced in a year placer minerals from more than 20 000 m³ of pay dirt from each legacy claim or cell claim.

11 Section 19 is repealed and the following substituted:

Fees, charges and rents

- 19** (1) The fees, charges and rents to be paid for registrations, filing of records, services, rentals and other matters under the Act are those set out in Schedule B.
- (2) The prescribed fee or charge must be paid before any registration, filing or other action is done under the Act.

12 The following section is added:

Transition – fees

- 22** (1) In this section, “**effective date**” means July 1, 2012.
- (2) Sections 8 (4) and (5) and 10 (5) and (6), as they read immediately before the effective date, continue to apply to a recorded holder in respect of a mineral claim or placer claim until the next expiry date of the claim that occurs on or after the effective date.
- (3) The next expiry date of a mineral claim or a placer claim that occurs on or after the effective date is conclusively deemed to start the first anniversary year of the claim.
- (4) Items 14 and 16 of Schedule B, as they read immediately before the effective date, apply to the recorded holder of a mining lease or a placer lease for the purposes of the current rental year of the lease.

13 Schedule B is amended

- (a) in item 2 by striking out “\$0.40” and substituting “\$1.75”,
- (b) in item 3 by striking out “\$2.00” and substituting “\$5.00”,
- (c) by repealing items 4 to 11,
- (d) in item 14 by striking out “\$10.00” and substituting “\$20.00”,
- (e) in item 16 by striking out “\$5.00” and substituting “\$20.00”, and
- (f) in item 18 by striking out “\$2.50” and substituting “\$5.00”, by striking out “\$20.00” and substituting “\$25.00”, by striking out “\$0.50” and substituting “\$1.00”, by striking out “\$10.00” and substituting “\$20.00” and by striking out “\$25.00” and substituting “\$50.00”.