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THIRD READING

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Ian D. Izard, Law Clerk

HONOURABLE RICHARD NEUFELD
MINISTER OF ENERGY AND MINES

BILL 29 -- 2004

MINERAL TENURE AMENDMENT ACT, 2004

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

1 Section 1 of the Mineral Tenure Act, R.S.B.C. 1996, c. 292, is amended

(a) by repealing the definitions of "anniversary date" and "legal corner post",

(b) by repealing the definitions of "claim", "exploration and development", "lease", "mining lease", "placer lease" and "recorded holder" and substituting the following:

"**claim**" means a mineral claim or a placer claim and includes a legacy claim;

"**exploration and development**" has the meaning in the regulations;

"**lease**" means a mining lease or a placer lease and includes a legacy lease;

"**mining lease**" means a mining lease issued under section 42 and a legacy mining lease;

"**placer lease**" means a placer lease issued under section 45 and a legacy placer lease;

"**recorded holder**" means a person whose name appears as the owner of the mineral title on the record of that title in the registry; , *and*

(c) by adding the following definitions:

"**cell**" means an area shown electronically on a map of British Columbia, for the purpose of the registry, in accordance with the regulations;

"**cell claim**" means a claim consisting of a cell or cells;

"expiry date" means the day one year after the date that a claim is recorded or registered and includes an expiry date as revised under section 29 or 33.1;

"legacy" when used in relation to a claim or lease means a claim or lease made before the coming into force of this definition;

"register" means register in the registry;

"registry" means the mineral titles online registry established and maintained by the chief gold commissioner under section 6.2 (1); .

2 Section 4 is amended

(a) by repealing subsection (1) and substituting the following:

(1) A chief gold commissioner and one or more gold commissioners may be appointed under the *Public Service Act.* , **and**

(b) by adding the following subsection:

(6) The chief gold commissioner may appoint one or more gold commissioners to be a deputy chief gold commissioner, and may delegate to any person employed in the ministry some or all of the functions of the chief gold commissioner other than powers to make regulations under sections 22 and 46.

3 Section 5 is repealed and the following substituted:

How chief gold commissioner furnishes records

5 (1) A written copy of any record kept in the registry, certified by the chief gold commissioner to be a true copy, must be received in a court without proof of the signature of the chief gold commissioner.

(2) Any notice or information that the chief gold commissioner is required to give to a recipient under this Act or the regulations may be given

(a) in paper form,

(b) by being transmitted by electronic means to the recipient, or

(c) in any prescribed manner.

4 Section 6 is repealed and the following substituted:

Searching the registry

6 A person may search the registry in accordance with the regulations.

5 The following Part is added:

Part 1.1 -- Mineral Titles Online Registry

Electronic Transactions Act applies

6.1 Despite section 2 (4) (d) of the *Electronic Transactions Act*, that Act applies to this Part.

Mineral titles online registry

6.2 (1) The chief gold commissioner must establish and maintain a mineral titles online registry for the purposes of registrations respecting claims, leases and notices.

(2) In addition to any requirements under the regulations, the chief gold commissioner may

(a) establish requirements for information that must be supplied to effect a registration and the format in which the information must be supplied, and may make those requirements known electronically to users of the registry,

(b) establish any other matter or requirement in order to ensure proper functioning of the registry, and

(c) require a registration to be made electronically in accordance with the regulations.

(3) The electronic signature of an applicant for registration must be incorporated into the electronic application in accordance with the requirements of the chief gold commissioner.

(4) An electronic application or electronic instrument is submitted for the purposes of this Part when the application or instrument is entered electronically into the registry using the technology established by the chief gold commissioner and in accordance with the requirements of the chief gold commissioner.

Claims

6.3 A person may register a claim in accordance with the regulations.

Claim or lease changes

6.31 (1) The following changes to a claim are not effective until registered:

(a) an amalgamation of claims under section 24.2;

(b) a reduction in the area of the claim under section 25;

(c) a revision of an expiry date under section 29 or section 33.1;

(d) a deletion or correction under section 6.36;

(e) any other kind of change specified in the regulations for the purposes of this subsection.

(2) The recorded holder of a lease must register the following changes to a lease, and the changes are not effective until registered:

- (a) a renewal of the lease under section 42, 45 or 47;
- (b) a change in the area of the lease under section 44 or 47;
- (c) any other kind of change specified in the regulations for the purposes of this subsection.

(3) The chief gold commissioner may register the following against a claim or lease:

- (a) notice of any order made by the chief gold commissioner;
- (b) notice of a court order;
- (c) notice of a complaint under section 40;
- (d) any other matter specified in the regulations for the purposes of this subsection.

Conversions of leases and rights under other enactments

6.32 (1) A recorded holder of a mineral claim or a placer claim who wishes to convert the claim to a mining lease or placer lease under section 4 or 45 must register an application for the lease.

(2) A person referred to in section 53 (2) (a) who wishes to obtain a mining lease or placer lease under section 42 or 45 must register an application for the lease.

(3) When a lease is entered into under subsection (1) or (2), the chief gold commissioner must register the information required by the chief gold commissioner respecting the lease and give notice of the registration to the recorded holder.

Discharge of claims and leases

6.33 (1) To abandon a claim or surrender a lease, the recorded holder must register a discharge of the claim or lease.

(2) The abandonment or surrender does not entitle the recorded holder to a refund of fees or other money paid under this or a former Act.

(3) The chief gold commissioner may register a notice of a forfeiture of a claim under section 35 or of a lease under section 50.

Registration of transfers of ownership of claims and leases

6.34 A recorded holder of a claim or lease or a person who meets the requirements under the regulations in relation to a claim or lease may register a transfer of ownership to another person in accordance with the regulations.

Registration of documents and notices against a claim or lease

6.35 A person may register a document or notice relating to a mineral title according to the regulations.

Deletion from registry or amendment or correction of entry

6.36 (1) The chief gold commissioner may

- (a) delete or correct an entry in the registry in accordance with the regulations, or
- (b) delete or amend an entry in the registry if the registration does not comply with the Act or the regulations.

(2) If the chief gold commissioner deletes, corrects or amends an entry, the chief gold commissioner must give notice to any affected person.

(3) A notice under subsection (2) may be given before or after deleting, correcting or amending an entry in the registry.

Information in registry prevails

6.4 If there is a difference between electronic information in the registry and other information or another document, the information in the registry prevails, whether or not the other information or the other document contains an original signature.

Calculation of time for purposes of registry

6.5 Section 25 (2) and (3) of the *Interpretation Act* does not apply to a time specified under this Act for doing something in the registry.

Suspending functions of registry

6.6 Despite any other provision of this Act, the chief gold commissioner may

- (a) suspend one or more of the functions of the registry if the chief gold commissioner is satisfied that circumstances are such that it is not practicable to provide those functions, and
- (b) if the chief gold commissioner is satisfied that, but for a suspension under paragraph (a), an application for registration or a record submitted to the chief gold commissioner would have been received on a date within the suspension period,
 - (i) the chief gold commissioner may date the registration or accept the record as of that date, and
 - (ii) the date referred to in subparagraph (i) must be considered for all purposes to be the date on which the record was received by or filed with the chief gold commissioner.

No overlapping registrations

6.7 Only one claim or lease may be registered with respect to a cell, unless the registration is in respect of the following:

- (a) an area of a cell over which the mapping of a legacy claim has been challenged;
- (b) a cell only part of which is covered by a legacy claim, and the registration is in respect of the part of the cell that is not covered by the legacy claim;
- (c) a claim or lease under section 53 (2);
- (d) one cell covered by any of the following:
 - (i) a mineral claim and a placer claim;
 - (ii) a mineral claim and a placer lease.

Priority

6.8 (1) Registration is effective from the time of payment of the prescribed fee for registration, if any, or if there is no prescribed fee, the date of registration as recorded by the registry.

(2) If more than one payment is received for the same registration, the order of registration is determined by the time of payment, if any, as determined by the time confirmation of payment is received by the Minister of Finance.

Registration by other than electronic means

6.9 The chief gold commissioner may authorize a person to use a means of registration other than a means required by this Act, if satisfied that

- (a) it is necessary to avoid great hardship or great injustice, and
- (b) the integrity of the registry will be maintained.

6 Section 7 is repealed and the following substituted:

Certain registrations must be by free miner

7 A person, other than the government, must be a free miner to register a claim or lease or to register exploration and development under section 29 or 33.1.

7 Section 8 is amended

(a) in subsection (5) by striking out "section 7 (1)," and substituting "section 7," and

(b) by adding the following subsection:

(6) A free miner certificate may be issued in electronic form.

8 Section 10 is amended

(a) in subsection (1) by striking out "A copy of such notice must be provided to the minister.", and

(b) in subsection (3) (a) by striking out "and to the minister,".

9 Section 11 (2) is amended

(a) by adding "or" at the end of paragraph (f),

(b) by striking out "or" at the end of paragraph (g), and

(c) by repealing paragraph (h).

10 Section 12 (1) is amended by striking out "by different methods of location or by separate acquisition".

11 Section 13 (6) (a) is amended by striking out "located," and substituting "located or registered,".

12 Section 15 (2) is amended

(a) by striking out "minister may" and substituting "minister responsible for the *Land Act* may", and

(b) in paragraphs (b) and (c) by striking out "the minister" and substituting "that minister".

13 Section 16 (1) and (2) is amended by striking out "located" wherever it appears and substituting "located or registered".

14 Section 17 (3) is repealed and the following substituted:

(3) The chief gold commissioner must serve the order on the recorded holder and register notice of the order in the registry.

15 Section 18 is amended

(a) by repealing subsections (3) and (5) and substituting the following:

(5) The chief gold commissioner must serve notice of the cancellation of a claim on the recorded holder and register the cancellation in the registry. , **and**

(b) in subsection (4) by striking out "may" and substituting "may, by order,".

16 Section 19 is amended

(a) by repealing subsection (1) (b) and substituting the following:

(b) provides, within 30 days after serving the notice required by paragraph (a), a copy of the notice to the chief gold commissioner and to an inspector under the *Mines Act.* ,
and

(b) in subsections (3) and (4) by striking out "gold commissioner" wherever it appears and substituting "chief gold commissioner".

17 Section 22 is amended

(a) in subsection (2) (a) and (b) by striking out "locating or recording" and substituting "registering", and

(b) in subsection (4) (b) by adding "or registered" after "located".

18 Section 23 is repealed.

19 Section 24 is repealed.

20 The following sections are added:

Validity and priority of legacy claims

24.1 (1) A legacy claim continues until forfeited, cancelled, abandoned or converted to a lease.

(2) A legacy lease continues until it expires, is surrendered or otherwise terminates.

(3) The inclusion of part of a legacy claim in an area in which the location or registration of that part is prohibited does not affect the validity of the location of the remainder of the claim, and the location of any post does not invalidate the claim.

(4) Priority of location of a legacy claim is based on the time that the location was completed so long as it was located in the prescribed manner.

Amalgamation of cell claims

24.2 In accordance with the regulations, mineral cell claims may be amalgamated with other adjoining mineral cell claims, and placer cell claims may be amalgamated with other adjoining placer cell claims, if the amalgamated claims are held by the same recorded holder.

21 Section 25 is repealed and the following substituted:

Reduction of cell claim

25 The recorded holder of a cell claim who complies with the regulations may reduce the area of the claim by registration under section 6.31.

22 Section 26 is amended

(a) by repealing subsection (2), and

(b) in subsection (3) by striking out "after August 15, 1988".

23 Section 27 is repealed.

24 Section 28 (1) is amended by adding "that are held by the government and" after "as the case may be,".

25 Section 29 is repealed and the following substituted:

Continuation of claims

29 A recorded holder may hold a claim until the expiry date, and after that, in accordance with the regulations, may hold the claim from year to year by

(a) doing exploration and development and registering a statement of the exploration and development, or making payments instead of exploration and development, and

(b) registering a revised expiry date.

26 Section 30 is repealed.

27 Section 31 is repealed and the following substituted:

Portable assessment credits

31 If a recorded holder performs exploration and development and submits a report on that exploration and development which is acceptable to the chief gold commissioner, the recorded holder, subject to the regulations, may have the cost of that exploration and development credited to a portable assessment credit account, and the recorded holder may, to the extent authorized by the regulations, use this account

(a) to facilitate exploration and development required as a consequence of revising an expiry date, and

(b) for the purpose of sections 29 and 33.1 to keep any claim in good standing.

28 Section 32 is repealed.

29 Section 33 (1) and (2) is amended by striking out "29 (a) or 30" and substituting "29 or 33.1".

30 The following section is added:

Registration of revised expiry date of claim

33.1 The recorded holder of a claim who complies with the regulations may revise the expiry date of the claim by registration.

31 Section 34 (1) and (2) is repealed and the following substituted:

(1) On the failure of a co-recorded holder or that person's personal representative to contribute the co-recorded holder's portion of the exploration and development required by

section 29, another co-recorded holder, who has performed and recorded the exploration and development may serve the delinquent co-recorded holder or the personal representative with a notice that the co-recorded holder's portion must be contributed within 3 months after service of the notice.

(2) If the co-recorded holder or the personal representative fails to contribute in full, including the costs of service, during the 3 month period, the delinquent co-recorded holder's interest in the claim vests in the co-recorded holder who has performed and recorded the required exploration and development, on filing evidence satisfactory to the chief gold commissioner that the co-recorded holder or the personal representative was served and the contribution not made.

32 Section 35 (1) is amended

(a) by repealing paragraph (b) and substituting the following:

(b) does not perform and register the exploration and development required by section 29, , and

(b) by striking out "anniversary" and substituting "expiry".

33 Sections 36 to 38 are repealed.

34 Section 39 is amended by striking out "recording" and substituting "registration".

35 Section 39 is repealed.

36 Section 40 is amended

(a) by repealing subsection (1) (b) and substituting the following:

(b) a person has knowingly made a false statement or report under section 29, 33 or 33.1 or in a registration or an application for a registration under section 29, 33 or 33.1, or ,

(b) in subsection (2) (b) by adding "chief" before "gold commissioner", and

(c) by adding the following subsections:

(2.1) Complaints made under this section have priority according to the earliest notice of complaint registered against a claim.

(7.1) On making an order under subsection (7) (b) or (c), the chief gold commissioner may

(a) delete, correct or amend an entry in the registry,

(b) discharge the registration of a claim of the recorded holder against whom a complaint has been upheld, and

(c) if the complainant is not the government, register a cell claim of the complainant over that cell.

(7.2) If the chief gold commissioner's order is overturned on appeal, the chief gold commissioner may make any changes to the register in respect of the claim that are required to implement the order of the court.

37 Section 40 is amended

(a) by repealing subsection (1) (a), and

(b) by repealing subsection (2) and substituting the following:

(2) A complaint under subsection (1) (b) must be made within one year after the statement or report was registered with the chief gold commissioner.

38 Section 41 is repealed and the following substituted:

Production on claim

41 (1) A recorded holder of a mineral claim may produce ore from a claim in accordance with the regulations.

(2) A recorded holder of a placer claim may produce pay dirt from a claim in accordance with the regulations.

39 Section 42 is amended

(a) by repealing subsections (1), (3) and (4) and substituting the following:

(1) A recorded holder of a mineral claim who wishes to replace the claim with a lease must comply with subsection (2) after registration of an application for a lease under section 6.32.

(4) If the chief gold commissioner is satisfied that the recorded holder has met all of the requirements of subsection (2), the chief gold commissioner must issue a mining lease for an initial term not longer than 30 years on conditions the chief gold commissioner considers necessary. ,

(b) in subsection (2) (b) by striking out "appropriate" and substituting "chief", and

(c) in subsection (5) by striking out "20 years" and substituting "30 years".

40 Section 44 is amended

(a) by repealing subsection (1) and substituting the following:

(1) If a lessee complies with all prescribed requirements for mapping and surveying, on application by the lessee, the chief gold commissioner may amend the area of a mining lease by deleting land from it.

(1.1) If a lease is amended under subsection (1), the rental payment is not reduced until the next year of the lease. , **and**

(b) in subsection (3) by striking out "appropriate" and substituting "chief".

41 Section 45 is amended

(a) by repealing subsections (1) and (5) and substituting the following:

(1) A recorded holder of a placer claim or a placer lease issued under any of the former Acts who wishes to replace it with a lease issued under this Act must comply with subsection (2) after registration of an application for a lease under section 6.32. ,

(b) in subsection (2) by striking out "appropriate" and substituting "chief",

(c) in subsections (3) and (4) (b) by adding "chief" before "gold commissioner", and

(d) by adding the following subsections:

(3.1) If the chief gold commissioner is satisfied that the recorded holder has met the requirements of subsections (2) and (3) and the regulations respecting the issuance of a placer lease, the chief gold commissioner must issue the placer lease on conditions the chief gold commissioner considers necessary.

(7) In addition to any terms and conditions referred to in subsection (6) that apply to a placer lease, if a placer lease is issued and no legal survey of the area of the placer lease was performed by a practising land surveyor under the *Land Surveyors Act*, it is a term of the placer lease that the lessee must indemnify and save harmless the government against any loss or damage sustained by the government arising out of the issuance of the placer lease.

(8) If a placer lease is issued based on a technical survey and the technical survey plan is later found to be inaccurate, the chief gold commissioner may amend the plan and revise the area of the placer lease.

42 Section 47 (1) is repealed and the following substituted:

(1) If a lessee complies with all prescribed requirements for mapping and surveying, on application by the lessee the chief gold commissioner may amend the area of a placer lease by deleting land from it.

(1.1) If a placer lease is amended under subsection (1), the rental payment is not reduced until the next year of the lease.

43 Section 48 is amended

(a) by repealing subsection (1), and

(b) in subsection (2) by striking out "charge recorded" and substituting "charge registered".

44 Section 49 (2) is repealed.

45 Section 50 is amended

(a) by repealing subsection (1) and substituting the following:

(1) It is a condition of every lease that before the end of a rental year the recorded holder must pay to the government the prescribed annual rental for the next rental year. , **and**

(b) in subsections (2) and (3) by striking out "minister" and substituting "chief gold commissioner".

46 Section 52 is repealed.

47 Section 53 is amended

(a) in subsection (2) (a) by striking out "gold commissioner" in both places and substituting "chief gold commissioner",

(b) in subsections (2) (b) and (6) by striking out "locate" and substituting "register",

(c) by adding "or" at the end of subsection (7) (b),

(d) by repealing subsection (7) (c) and (d) and substituting the following:

(c) is surrendered or abandoned under section 6.33, , **and**

(e) in subsection (8) by adding "and the chief gold commissioner may discharge the registration of the recorded holder whose mineral title has escheated" after "other recorded holder".

48 Section 55 is repealed.

49 Section 56 is repealed and the following substituted:

Court orders affecting mineral titles

56 If a court proceeding results in a change in the original boundaries of a mineral title, the court must order that

(a) a plan in accordance with the regulations be filed with the chief gold commissioner, and

(b) the expense of obtaining the plan be shared among the parties to the proceeding in the manner the court considers just.

50 Sections 57 and 58 are repealed.

51 Section 61 is amended by striking out "gold commissioner for the mining division in which the mineral title is situated" and substituting "chief gold commissioner".

52 Section 63 is repealed and the following substituted:

Offence

63 (1) A person commits an offence who does any of the following:

(a) wilfully and without lawful excuse pulls down, defaces, alters or removes a staking or legal post, a legal corner post or other survey monument;

(b) explores for, develops or produces minerals contrary to this Act or the regulations;

(c) knowingly makes a false statement or provides false information under this Act or the regulations, or in a registration;

(d) offers for sale, or sells, a mineral title for a non-mining usage.

(2) Sections 4 and 5 of the *Offence Act* do not apply to this Act.

(3) A person who is convicted of an offence is liable to a fine of not more than \$25 000 or to imprisonment for not more than 6 months, or to both.

Power of chief gold commissioner to require information for audits

63.1 For the purpose of determining the accuracy of information provided to the chief gold commissioner under this Act, the chief gold commissioner may require a person to provide verification of the information provided or additional information or documents that relate to the information provided.

53 Section 65 (2) is amended

(a) by repealing paragraphs (c) and (e),

(b) by repealing paragraphs (i), (j) and (k) and substituting the following:

(i) revising expiry dates for mineral titles; ,

(c) in paragraph (m) by striking out "located or",

(d) by repealing paragraph (o) and substituting the following:

(o) establishing or setting fees for performing duties or providing services under this Act, including setting rents, costs and payments; , ***and***

(e) by repealing paragraphs (r) and (s) and substituting the following:

(r) specifying how and when particular exploration and development activities may be applied to a claim and the amount of credit that may be allowed for any type of exploration and development done in respect of a claim;

(s) respecting portable assessment credits for the purposes of section 31 and prohibiting any type of exploration and development from being applied to a portable assessment credit account; .

54 Section 65 is amended by adding the following subsection:

(2.1) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations to provide for the following:

(a) specifying other changes or other matters for the purposes of section 6.31;

(b) limiting and regulating production on a claim for the purposes of section 41;

- (c) defining a word or expression used but not defined in this Act;
- (d) cells and cell claims, including a reduction in the maximum size of a cell claim, a reduction in the size of a cell claim and the amalgamation of multiple cell claims;
- (e) legacy claims and legacy leases;
- (f) requirements that, under section 29, must be met in order to maintain a claim;
- (g) who is eligible to use the registry to register a claim, charge, transfer of ownership, notice or other matter or to search the registry;
- (h) registration of cell claims, leases, legacy claims and legacy leases and any transfers, notices of debt instruments and options, changes of name and other documents related to any of them;
- (i) discharges;
- (j) searches in the registry;
- (k) the effect of registration;
- (l) information required to effect a registration;
- (m) documents or information for which registration is not required but which must be provided to the chief gold commissioner in support of a registration, and when they must be provided;
- (n) the method of identifying the land that is the subject of a claim or lease, including any limitation on the area of land that may be the subject of a single registration;
- (o) transition issues respecting deemed registrations when the underlying title terminates, including, for the purposes of transition, the granting of additional rights to existing holders of registrations;
- (p) restrictions and prohibitions on registration;
- (q) agents and agency;
- (r) amalgamation of claims or leases;
- (s) delegating a matter to a person employed by the minister;
- (t) conferring a discretion on the chief gold commissioner;
- (u) making different regulations for different persons, places, things or transactions.

55 Section 65 (3) is repealed.

56 The following Part is added:

Part 5 -- Transition

Transfer of legacy claims and legacy leases to registry

68 (1) The chief gold commissioner may enter a legacy claim or legacy lease into the registry by registering information in accordance with the regulations.

(2) The law that applies to a legacy claim or legacy lease entered into the registry under subsection (1) is the law that applies to a registered claim or a lease for which a notice of lease has been registered, except for the following:

(a) the area of land covered by a legacy title continues unchanged after its registration despite any provision to the contrary in this Act or the regulations respecting the shape or size of areas that may be registered;

(b) if a legacy claim is converted to a lease, the lease may be registered in the registry despite the area or shape of the lease being contrary to a provision of this Act or the regulations, if the area and shape is supported by a survey plan as required under section 42 or 45;

(c) sections 39, 40 (1) (a) and 40 (2) (a), as they were immediately before the coming into force of this section, continue to apply to legacy claims;

(d) a conveyance, bill of sale, assignment or transfer entered into before the coming into force of this paragraph is governed by section 57 as it was immediately before the coming into force of this paragraph, except that the right to record a document referred to in section 57 (2) is a right to register the document or a notice of the document in accordance with the regulations.

(3) Despite subsection (2), if the law that applies to a cell claim imposes obligations with respect to exploration and development, or payment instead of exploration and development, that differ from the obligations that applied to a legacy claim before the coming into force of this subsection, then, on the claim's expiry date in effect at the time this section comes into force, those new obligations apply to the legacy claim.

(4) Despite subsection (2), if the law that applies to a lease for which a notice of lease has been registered imposes obligations with respect to annual rent that differ from the obligations that applied to a legacy lease before the coming into force of this subsection, then, on the lease's expiry date in effect at the time this section comes into force those new obligations apply to the legacy lease.

(5) A person has no right of action and may not commence or maintain proceedings, as a result of the enactment of this section or the exercise of a function under this section,

(a) to claim damages or compensation of any kind from the government or a person acting on behalf of the government, or

(b) to obtain a declaration that damages or compensation are payable by the government or a person acting on behalf of the government.

(6) For all purposes, including for the purposes of the *Expropriation Act*, no expropriation or injurious affection occurs as a result of the enactment of this section or the exercise of a function under this section.

Extension of title over cell on termination of legacy title

69 (1) Subject to the regulations, on the termination of a mineral claim or mining lease that applies to only part of a cell, any other mineral cell claim over the remaining part of the cell is extended to apply to the whole cell.

(2) Subject to the regulations, on the termination of a placer claim or placer lease that applies to only part of a cell, any other placer cell claim over the remaining part of the cell is extended to apply to the whole cell.

Transitional regulation making powers

70 (1) The Lieutenant Governor in Council may make regulations considered necessary or advisable for the purpose of more effectively bringing into operation the registry and to remedy any transitional difficulties encountered in doing so.

(2) A regulation made under this section may be made retroactive to a date not earlier than the date subsection (1) comes into force.

(3) This section is repealed 2 years after section 6.2 of the *Mineral Tenure Act* comes into force.

57 *The Supplement to the Mineral Tenure Act is repealed.*

Consequential Amendments

Energy and Mines Statutes Amendment Act, 2003

58 *Section 3 of the Energy and Mines Statutes Amendment Act, 2003, S.B.C. 2003, c. 1, is repealed.*

Evidence Act

59 *Section 40 of the Evidence Act, R.S.B.C. 1996, c. 124, is repealed and the following substituted:*

Certified copies of records of chief gold commissioner or gold commissioner as evidence

40 For the purpose of a record kept by or a document filed with the chief gold commissioner or a gold commissioner under the *Mineral Tenure Act*, copies of or extracts from the record or document, certified as true copies or extracts by the chief gold commissioner or gold commissioner, must be received in a court in British Columbia as evidence of the matters contained in them.

Park Act

60 Section 2 (1) of the Park Act, R.S.B.C. 1996, c. 344, is amended by striking out "section 23 of the Mineral Tenure Act and regulations made under that section,".

61 Section 9 (8) is repealed.

Commencement

62 The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 1 to 8	By regulation of the Lieutenant Governor in Council
3	Sections 10 to 17	By regulation of the Lieutenant Governor in Council
4	Sections 19 to 56	By regulation of the Lieutenant Governor in Council
5	Section 58	By regulation of the Lieutenant Governor in Council
6	Section 61	By regulation of the Lieutenant Governor in Council