



Titles, Aboriginal and Corporate Relations Division Information Letter

TITLES, ABORIGINAL AND CORPORATE RELATIONS DIVISION

TACRD-10-15

SUBJECT: Amendments to the *Mineral Tenure Act* - Administrative

The Ministry of Energy, Mines and Petroleum Resources is proceeding with amendments to the *Mineral Tenure Act* (Act) relating to the administration of tenures and the Mineral Titles Online (MTO) process. (Amendments to the *Mineral Tenure Act Regulation*, including a new fee structure and work exploration requirements, will occur separately upon completion of consultation with the mining sector).

The administrative amendments to the Act are required to ensure the Act remains responsive to the evolving mineral exploration sector. The following amendments will be made:

Subdivision of claims:

Under the new amendment, a claim holder will be given the ability to subdivide a claim into two or more parcels to provide flexibility in business arrangements in relation to the mineral property. Authority will also be created to enable a regulation to be developed to define the claim subdivision process.

Co-existence of mineral and placer titles:

After the launch of Mineral Titles Online (MTO), the authority for a mining lease to be issued over land occupied by a placer title was removed. In response to requests from industry, this authority will be reinstated to allow mining leases and placer title to co-exist in the same land once again.

Chief Gold Commissioner authority to require evidence of intent to mine:

The current wording in the Act allows anyone to apply for and obtain a mining or placer lease as long as certain minimal conditions are met. An additional condition is being added which will require the lease applicant to provide information satisfactory to the Chief Gold Commissioner that the lease is needed for the business of mining.

Forfeiture of claim or lease:

The Chief Gold Commissioner has the authority under the Act to reverse the forfeiture of a claim or lease which occurred due to a failure to meet a requirement within a time limit set by the Act. A new authority is being added to enable the Chief Gold Commissioner to delete a third party claim registered in the period between the forfeiture and the reinstatement of the claim or lease. There will be no compensation payable on the cancellation of the third party claim.

Amendment of fee authority:

The definition of the fee authority is being broadened to include fees that can be collected as both a user fee (cost of service) and a regulatory fee (a charge related to a regulatory scheme or imposed to influence behavior).

Overlaps of mineral reserves:

The Chief Gold Commissioner has the authority under the Act to create mineral reserves to restrict the registering of new mineral title, mining activity or interference with the construction or operation of other works such as utility corridors. Mineral reserves may overlap.

Operationally, the Chief Gold Commissioner has interpreted overlaps of mineral reserves to be cumulative. Recent legal advice suggested that a court may interpret an overlap as a cancellation. To remove this risk, new provisions are being added to make the effect of overlaps in mineral reserves cumulative and retroactive in nature.

The above-noted amendments include those already in force and those currently under regulatory development. These, and other amendments, were released for public information (“Bill 20: Miscellaneous Statutes”) following the 2010 Legislative Assembly, second session. A copy of Bill 20 is available on the Legislative Assembly of BC website:

http://www.leg.bc.ca/39th2nd/1st_read/gov20-1.htm. For current copies of the legislation and regulations, please refer to the following website: www.bclaws.gov.bc.ca

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