

Regulations and other acts

Gouvernement du Québec

O.C. 74-2005, 2 February 2005

Mining Act
(R.S.Q., c. M-13.1)

Mineral substances other than petroleum, natural gas and brine — Amendments

Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine

WHEREAS, under paragraphs 2, 3, 8 to 10, 12.2 to 12.6 and 27 of section 306 of the Mining Act (R.S.Q., c. M-13.1), the Government may, by regulation, prescribe standards respecting mineral substances other than petroleum, natural gas and brine;

WHEREAS the Government made the Regulation respecting mineral substances other than petroleum, natural gas and brine by Order in Council 1042-2000 dated 30 August 2000;

WHEREAS it is expedient to amend the Regulation to take into account the provisions of the Mining Act amended by the Act to amend the Mining Act (2003, c. 15);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine was published in Part 2 of the *Gazette officielle du Québec* of 9 June 2004 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the Minister of Natural Resources, Wildlife and Parks received comments following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine*

Mining Act
(R.S.Q., c. M-13.1, s. 306, pars. 2, 3, 8 to 10, 12.2 to 12.6 and 27)

1. Section 5 of the Regulation respecting mineral substances other than petroleum, natural gas and brine is amended by striking out “and a declaration certifying that the information given is accurate” in paragraph 3.

2. Section 6 is amended

(1) by deleting paragraph 2;

(2) by adding the following paragraphs at the end:

“(4) in the case of a parcel of land referred to in subparagraph 1 of the second paragraph of section 49 of the Act, the name, address and telephone number of the holder of the claim held on the parcel of land situated less than 1,000 metres from the parcel of land that is subject to the notice of map designation, and the number or the alphanumerical code identifying the claim;

(5) in the case of a parcel of land referred to in subparagraph 2 of the second paragraph of section 49 of the Act, an agreement containing the information referred to in section 18.”.

3. Section 10 is amended

(1) by inserting the following after the first paragraph:

* The Regulation respecting mineral substances other than petroleum, natural gas and brine, made by Order in Council 1042-2000 dated 30 August 2000 (2000, *G.O.* 2, 4512), was amended by the regulation made by Order in Council 1336-2000 dated 15 November 2000 (2000, *G.O.* 2, 5323).

“The fees for the first renewal following the conversion of a claim situated north of the fifty-second degree north latitude shall, however, be fixed by adding the renewal fees for each staked claim covered by the application for conversion and by allocating the resulting total renewal fees among the converted claims in proportion to the respective area of each.”;

(2) by adding “but before the date of expiry of the claim” at the end of the second paragraph.

4. Section 11 is revoked.

5. Section 14 is amended by deleting paragraph 3.

6. Section 18 is amended

(1) by replacing “contiguous to” by “situated less than 400 metres from” and by striking out the second occurrence of “contiguous” in the part preceding subparagraph 1 of the first paragraph;

(2) by replacing “contiguous parcel of land to the lands” in subparagraph 1 of the first paragraph by “parcel of land located less than 400 metres from the parcels of land”.

7. Section 22 is amended by replacing “The number” at the beginning of the first paragraph by “Subject to section 22.1, the number”.

8. The following is inserted after section 22:

“**22.1.** The term of the claims situated north of the fifty-second degree north latitude and converted into map designated claims is deemed, for the purposes of determining the minimum cost of the work referred to in section 22, to be the first turn.”.

9. The following is inserted after section 29:

“DIVISION VII.1

AMALGAMATION AND REPLACEMENT OF MAP DESIGNATED CLAIMS

29.1. Sections 17, 19 to 24 and 26 to 29 apply, with the necessary modifications, to the application for the amalgamation of map designated claims referred to in subdivision 7 of Division III of Chapter III of the Act.

29.2. Sections 17 to 24 and 26 to 29 apply, with the necessary modifications, to the application for replacement referred to in subdivision 8 of Division III of Chapter III of the Act.”.

10. Section 47 is amended by striking out “with respect to the production site that is subject to the application and”.

11. Section 51 is amended

(1) by inserting the following after the first paragraph:

“Where the application is submitted by a municipality or an intermunicipal board, the reports referred to in subparagraphs 3 and 4 of the first paragraph are replaced by a five-year plan for the construction, repair and maintenance of streets and the road network.”;

(2) by replacing “an engineer or a qualified geologist within the meaning of the fourth paragraph of section 101 of the Act” in the third paragraph by “a geologist who is a member of the Ordre des géologues du Québec or an engineer who is a member of the Ordre des ingénieurs du Québec”.

12. Section 66 is amended by replacing the definition following “qualified professional” by “means a geologist who is a member of the Ordre des géologues du Québec or an engineer who is a member of the Ordre des ingénieurs du Québec”.

13. Section 125 is amended by adding the following at the end of subparagraph 2 of the first paragraph after “State;”: “if the site is situated on a parcel of land subject to an exclusive lease to mine surface mineral substances, its perimeter may be defined by UTM (Universal Transverse Mercator) rectangular coordinates and the zone, according to the North American Datum of 1983 (NAD83), and its system of geodesic coordinates in effect, in compliance with the National Topographic System (NTS) of Canada; in the latter case, the apexes of the perimeter shall be numbered on the map and a list of corresponding coordinates shall be attached to the map;”.

14. Sections 133 and 134, the first paragraph of section 135 and section 136 are revoked.

15. The following is inserted after section 138:

“**138.1.** The second paragraph of section 10 and section 22.1 of this Regulation apply only to applications for conversion filed after 3 March 2005, but before 4 March 2007.”.

16. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.