

# *The Mineral Resources Act*

*being*

Chapter 40 of *The Revised Statutes of Saskatchewan, 1940*  
(effective February 1, 1941).

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER 40

### An Act respecting Mineral Resources

#### SHORT TITLE

##### Short title

- 1 This Act may be cited as *The Mineral Resources Act*.

1931, c.16, s.1; R.S.S. 1940, c.40, s.1.

#### INTERPRETATION

##### Interpretation

- 2 In this Act, unless the context otherwise requires, the expression:

##### “Crown”

1. “**Crown**” means His Majesty the King in the right of Saskatchewan;

##### “Department”

2. “**Department**” means the Department of Natural Resources;

##### “Disposition”

3. “**Disposition**” means disposition as defined in *The Provincial Lands Act*;

##### “Entry”

4. “**Entry**” means not only the record of a claim in the books of a mining recorder, but also the grant which may be issued for such claim;

##### “Mine”

5. “**Mine**”, when used as a noun, includes any opening or excavation in, or working of, the ground for the purpose of winning, opening up, or proving any mineral or mineral bearing substance, or boring or drilling for petroleum, oil or natural gas, or for the purpose of gaining or winning the same, or any quarry, excavation or opening in the ground made for the purpose of searching for or removing mineral, soil, rock, quartz, stone, earth, clay, sand, coal, salt, saline deposits, alkali, or gravel, and all ways, works, engines, machinery, plant, buildings, furnaces, roast yards and premises below or above ground belonging to or used in connection with the operations carried on in and about the operation of mining as herein defined or about a mine;

##### “Mine”, “mining”

6. “**Mine**”, when used as a verb, and “**mining**” include any mode or method of working whatsoever whereby the soil or earth or any rock, stone, quartz, clay, sand, coal, alkali, saline deposit, volcanic ash or gravel may be disturbed, removed, carted, carried, washed, sifted, roasted, smelted, refined, crushed or otherwise dealt with for the purpose of obtaining any mineral or minerals, metal or metals therefrom whether the same may have been previously disturbed or not; and also include the boring or drilling for petroleum, oil or natural gas;

##### “Mineral”

7. “**Mineral**” includes all minerals and mineral substances, precious and base, and all combinations thereof, including gold, silver, rare and precious metals or stones, copper, iron, tin, lead, zinc or other mineral, salt, saline deposits, alkali, petroleum, natural gas, oil, coal, limestone, granite, slate, marble or other quarriable stone, gypsum, clay, marl, gravel, sand or volcanic ash, and any other substance which may from time to time be declared a “**mineral**” within the meaning of this Act by proclamation of the Lieutenant Governor published in *The Saskatchewan Gazette*;

**“Mineral claim”, “mining claim”**

8. **“Mineral claim”** or **“mining claim”** means a plot of ground staked out and acquired under the provisions of this Act;

**“Mineral lands”**

9. **“Mineral lands”** includes lands and mining rights leased under or by authority of any statute, regulation or order in council, respecting mines, minerals or mining, and also lands or mining rights located, staked out, used or intended to be used for mining purposes;

**“Mining property”**

10. **“Mining property”** includes every mineral claim, quarry location, oil prospecting permit, area under coal or alkali lease, ditch, mill site, tramway, aerial tramway, transmission line, or water right used for mining purposes, and all rights acquired and powers exercised under the provisions of this Act relating to surface rights, timber rights, water rights, roads and rights-of-way and sites and works included under the definition “mine” herein contained, and all property rights, easements and things belonging or appertaining thereto or used in the working thereof for mining purposes or connected with or incidental thereto;

**“Mining rights”, “mineral rights”**

11. **“Mining rights”** or **“mineral rights”** means and includes the right to the ores, minerals and mines upon or under the surface rights and the right to the minerals, including mineral salts, contained in or recoverable from mineral water by artificial means;

**“Minister”**

12. **“Minister”** means the Minister of Natural Resources;

**“Natural resources district”**

13. **“Natural resources district”** means any tract or territory declared to be a natural resources district under the provisions of this Act;

**“Owner”**

14. **“Owner”** when used in relation to a mine, means any person or body corporate who or which is the immediate proprietor, or lessee, or occupier of a mine, or of any part thereof, and does not include a person or body corporate who or which merely receives a royalty, rent or fine from a mine, or is merely the proprietor of a mine subject to any lease, grant or licence for the working thereof, or is merely the owner of the soil, and not interested in the minerals of the mine;

**“Provincial lands”**

15. **“Provincial lands”** means provincial lands as defined in *The Provincial Lands Act*;

**“Record”**

16. **“Record”** means an entry in an official book kept for that purpose;

**“Recorder”**

17. **“Recorder”** means the person appointed as mining recorder of the natural resources district in which the land in respect of which an act, matter or thing is or is to be done, is situate;

**“Resident engineer”**

18. **“Resident engineer”** means an officer appointed for Saskatchewan, or for a natural resources district or any part thereof in Saskatchewan, or any member of his staff duly authorized by him to perform his duties or part thereof, or any person authorized by the minister to temporarily perform such duties;

**“Sub-recorder”**

19. **“Sub-recorder”** means any person, temporarily appointed to perform, in any remote area, such of the functions of the recorder for the area as may, for the convenience of the miners, be assigned to him, and under the direction of such recorder;

**“Surface rights”**

20. **“Surface rights”** includes lands granted, leased or otherwise disposed of for any purpose and in respect of which the ores, mines and minerals thereupon or under the surface thereof are by statute, grant, lease or disposition reserved to the Crown.

1931, c.16, s.2; 1940, c.19, s.2; R.S.S. 1940, c.40, s.2.

## APPLICATION OF ACT

**Disposal of minerals belonging to Crown**

3 Mines and minerals which are the property of the Crown, and the right of access thereto, shall be leased or otherwise disposed of only in accordance with the provisions of this Act and the regulations made thereunder.

1939, c.14, s.1; R.S.S. 1940, c.40, s.3.

**Mines, etc. under highways vested in Crown**

4 The mines, minerals and mining rights in, on or under all public highways and road allowances shall continue to be vested in the Crown and may be leased or otherwise disposed of under the regulations.

1931, c.16, s.4; R.S.S. 1940, c.40, s.4.

**Reservation of travel on roads, etc.**

5 In every lease or other disposition of mines, minerals and mining rights in, on or under public highways and road allowances there shall be implied a reservation protecting such highways and road allowances for public travel and preventing, any user of the mines, minerals or mining rights which would interfere with public travel unless and until a road in lieu thereof has been provided and accepted by the municipal or other authority having jurisdiction over the highway or road allowance.

1931, c.16, s.5; R.S.S. 1940, c.40, s.5.

**Pending applications**

6 Notwithstanding anything contained in this Act, applicants for mineral lands who, prior to the first day of April, 1931, had complied with the provisions of the regulations of the Department of the Interior of Canada, and who had an application pending before the Department of the Interior on such date may be granted title to the same under this Act.

1931, c.16, s.6; R.S.S. 1940, c.40, s.6.

## ADMINISTRATION

**Administration**

7(1) This Act and the regulations thereunder shall be administered by the department.

(2) An officer may be appointed to manage and direct such administration under the control of the minister, and also such other officers, clerks and employees as are deemed necessary.

(3) The minister may employ any person or persons to investigate the mineral resources of Saskatchewan and may pay for such services out of any money appropriated by the Legislature for that purpose.

1931, c.16, s.7; R.S.S. 1940, c.40, s.7.

**Annual report**

8 The minister shall annually lay before the Legislative Assembly, within the first fifteen days of the session, a report of the proceedings and affairs of the department during the year next preceding in so far as they concern the mineral resources of the province.

1931, c.16, s.8; R.S.S. 1940, c.40, s.8.

**Powers of minister**

9(1) The minister may withdraw any lands or mining rights, the property of the Crown, from prospecting and staking out and from lease or permit.

(2) The minister may reopen for prospecting and staking out and for lease or permit any lands or mining rights so withdrawn, or which have been withdrawn prior to the coming into force of this Act.

(3) The minister may direct that the mines and minerals in land or mining rights so withdrawn or in any part thereof may be worked by or on behalf of the Crown.

(4) Land or mining rights so withdrawn, until reopened by the minister, shall remain withdrawn, and shall not be prospected, staked out, occupied or worked except by or on behalf of the Crown.

(5) Land or mining rights staked out on behalf of the Crown and land or mining rights reserved or withdrawn from prospecting, staking out, or sale as mineral claims, may be leased by the Crown or worked under an agreement or arrangement with the Crown in such manner and upon such terms and conditions and for such price as may be provided by order in council.

1931, c.16, s.9; R.S.S. 1940, c.40, s.9.

**Regulations**

**10(1)** The Lieutenant Governor in Council may from time to time make such regulations and orders not inconsistent with this Act as are necessary to carry out its provisions according to their obvious intent or to meet cases which may arise and for which no provision is made therein and without restricting the generality of the above provision may make regulations and orders for:

- (a) leasing lands containing minerals and leasing mining rights, or disposing by permit or otherwise of the mining rights or property underneath lands the surface rights of which have been disposed of, provision being made for the protection and compensation of the holders of surface rights in so far as they may be prejudicially affected;
- (b) prescribing the land subject to be staked as mineral claims or quarrying locations, or to be disposed of under petroleum, coal, gas, salt or saline deposit permits or leases or placer mining rights, their size, manner of staking and tenure, the method of recording and granting the title thereto, the mode of transfer thereof, and the recording of the documents affecting the title thereto, the work required to be done thereon to obtain title, the manner of appeal to the minister from the decision of the officers administering this Act, and the extension of time for the doing of the work required;
- (c) the disposal of the surface rights or any part thereof on any mineral claim;
- (d) prescribing the respective rights of persons holding or claiming to hold land or any estate, interest or right therein from the Crown under the provisions of *The Provincial Lands Act*, *The Forest Act*, *The Water Power Act*, *The Water Rights Act* or this Act, where separate rights acquired under two or more of the said Acts in the same land are held by different persons, provided that no such regulation shall prejudicially affect existing rights acquired under this Act or the *Dominion Lands Act*;
- (e) creating natural resources districts and regulating the recording of claims in any part of the province;
- (f) licensing persons, firms or corporations to prospect for, stake out or mine mineral claims, and prescribing the number of claims which may be staked out under a licence in any one year or in any one mining division;
- (g) the appointment of arbitrators or mining boards to hear and determine appeals from the decisions of resident engineers or of recorders; prescribing, defining and establishing the powers, duties and mode of practice or procedure of the arbitrators or mining boards;
- (h) the opening, construction, maintenance and use of roads, power transmission lines, tramways, and aerial tramways through or over mineral claims or lands which have been sold, leased or granted, or are leased as mining lands, or recorded as mineral claims or locations, and for the opening, construction, maintenance and use of ditches, aqueducts or raceways through or over such claims, locations, or lands for the conveyance and passage of water for mining purposes, and generally for the purpose of carrying out this Act;
- (i) The disposal of tailings, slimes or other waste products upon any lands or, subject to the provisions of any statute governing the matter, for the discharge thereof into any body of water;

- (j) determining the reservation as to timber that shall be inserted in all leases of provincial lands leased as mining lands;
  - (k) fixing the royalties, fees, dues or charges to be paid for leases, permits, mining or mineral rights or for any other privilege granted in pursuance of this Act;
  - (l) prescribing penalties, in cases not otherwise provided for, for the breach of any regulations or orders made under this Act;
  - (m) prescribing forms to be used under this Act;
  - (n) requiring from the holders, owners or occupiers of mineral claims or mining property, reports and statements respecting the work and operations carried on at any mine or on any mineral claim.
- (2) Every regulation and order so made shall be published in the *Gazette* and shall have force and effect on and after the date of such publication or on and after a date to be named in the regulation or order; and all such regulations and orders shall be laid before the Legislative Assembly within the first fifteen days of the next session thereof. Such regulations and orders shall be deemed to be a part of this Act.

1931, c.16, s.10; R.S.S. 1940, c.40, s.10.

**Discovery of minerals by employee of department**

11(1) Every officer and employee of the department who while holding such office or employment makes an original discovery of valuable mineral upon any lands or any mining rights open to prospecting and staking out as a mineral claim shall, in accordance with the regulations made hereunder, stake out and record a parcel thereof of the size and form of a mineral claim on behalf of the Crown, and no licence shall be required for that purpose.

(2) Every officer and employee of the department who, directly or indirectly, purchases or becomes proprietor of or interested in any mineral claim shall forfeit his office and be liable to a penalty of \$500 for every such offence, to be recovered in an action by any person who may sue therefor and every such purchase or interest shall be void.

1931, c.16, s.11; R.S.S. 1940, c.40, s.11.



## PROVISIONS FOR THE PROTECTION OF INVESTORS

### Power of minister to give warnings to prevent injury to investors

**12** Where it appears to the minister:

- (a) that a sale of shares in any mining company or in any mining property is being advertised, or solicited upon statements which are not in accord with the actual facts and conditions as shown by the report of a resident engineer or of any technical or administrative official of the department or by information on file in the department; or
- (b) that any statements of the nature referred to in clause (a) are being published or circulated with the intention of influencing or which may influence such a sale of shares;

and if the minister considers it advisable in the interest of any person or of the public, he may give or cause to be given such notices, either personal or public, by telegraphic dispatch, letter, bulletin, advertisement, or otherwise as he considers necessary to prevent injury to investors; and it shall not be necessary in any notice so given to refer to this section or to state any fact or reason as preliminary to or leading up to the giving of the notice, and every notice so given shall be deemed to be given pursuant to this section, and shall be absolutely privileged.

1931, c.16, s.12; R.S.S. 1940, c.40, s.12.

### Duty of mining of companies to file information and prospectus

**13** Where a corporation acquires an interest in, or title to, or engages in work on any mining property situate in a natural resources district, it shall forthwith notify the recorder of that district and the minister, and file with each of them full particulars thereof, and shall also file with each of them, as soon as it is issued, a copy of every prospectus or statement in lieu of prospectus, issued by the corporation.

1931, c.16, s.13; R.S.S. 1940, c.40, s.13.

### Duty to file advertising publications

**14** Where a corporation issues, publishes or distributes, or causes to be issued, published or distributed, any pamphlet, bulletin, circular, advertisement or publication relating to any mining property situate in the province in which the corporation has any interest or on which the corporation is engaged in work, the corporation shall forthwith file a copy of the pamphlet, bulletin, circular, advertisement or publication in the office of the recorder of the district in which the mining property is situate, and shall also forthwith file three copies of the same in the department at Regina.

1931, c.16, s.14; R.S.S. 1940, c.40, s.14.

### Penalty for default

**15** If a corporation makes default in complying with any requirement of section 13 or section 14, it shall be liable on summary conviction to a fine not exceeding \$25 for every day during which the default continues, and every director and every manager of the corporation who knowingly and wilfully authorizes or permits the default shall be liable to the like penalty.

1931, c.16, s.15; R.S.S. 1940, c.40, s.15.

## STATISTICAL RETURNS

**Owner or agent to file annual returns**

**16** For the purpose of tabulation under the instructions of the minister, the owner or agent of every mine or other works to which this Act applies shall, on or before the thirty-first day of January in every year, send to the department at Regina a correct return for the year which ended on the thirty-first day of December next preceding, showing the quantity in standard weight of the mineral dressed, and of the undressed mineral which has been sold, treated or used during such year, and the value or estimated value thereof, and such other particulars as the minister may prescribe.

1931, c.16, s.16; R.S.S. 1940, c.40, s.16.

**Metalliferous mines**

**17** The owner or agent of every metalliferous mine shall, if required, make a similar return for the month or quarter at the end of each month or quarter of the calendar year.

1931, c.16, s.17; R.S.S. 1940, c.40, s.17.

**Forms**

**18** The returns shall be in such form as may be from time to time prescribed by the minister, who shall furnish forms for the purpose of such returns.

1931, c.16, s.18; R.S.S. 1940, c.40, s.18.

**Non-compliance and false returns**

**19** Every owner or agent of a mine who fails to comply with the foregoing provisions or makes a return which is to his knowledge false in any particular, shall be guilty of an offence against this Act.

1931, c.16, s.19; R.S.S. 1940, c.40, s.19.

## OFFENCES AND PENALTIES

**Offences and penalties****20** Every person who:

- (a) prospects, occupies or works any provincial lands or mining rights for minerals otherwise than in accordance with the provisions of this Act;
- (b) wilfully defaces, alters, removes or disturbs any post, stake, picket, boundary line, figure, writing or other mark lawfully placed, standing or made, under this Act;
- (c) wilfully pulls down, injures or defaces any rules or notice posted up by the owner or agent of a mine;
- (d) wilfully obstructs any officer appointed under this Act, in the execution of his duty;
- (e) being the owner or agent of a mine, refuses or neglects to furnish to any officer appointed under this Act the means necessary for making an entry, inspection, examination or inquiry in relation to any mine, under the provisions of this Act;
- (f) unlawfully marks or stakes out in whole or in part a mineral claim, a quarry location, or an area for a working permit or boring permit;
- (g) wilfully acts in contravention of the provisions of this Act in any particular not hereinbefore set forth;
- (h) wilfully contravenes any provision of this Act or any order or regulation made thereunder for the contravention of which no other penalty is provided; or
- (i) attempts to do any of the acts mentioned in the foregoing clauses;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$20 for every day upon which such offence occurs or continues.

1931, c.16, s.20; R.S.S. 1940, c.40, s.20.

**Procedure on prosecution**

**21(1)** Every prosecution for an offence against or for the recovery of a penalty imposed by or under the authority of this Act shall take place before a police magistrate or a justice of the peace having jurisdiction in the judicial district in which the offence is committed, or before a justice of the peace or a recorder.

**(2)** The prosecution shall be commenced within six months after the commission of the offence.

1931, c.16, s.21; R.S.S. 1940, c.40, s.21.

## MISCELLANEOUS

**Minister may grant release from forfeiture**

**22** Where forfeiture or loss of rights has occurred, the minister may, within three months after the default or within such further time as the Lieutenant Governor in Council upon the recommendation of the minister may direct, upon such terms as he deems just, make an order relieving the person in default from such forfeiture or loss of rights, and upon compliance with the terms, if any, so imposed, the interests or rights forfeited or lost shall be revested in the person so relieved, but subject however, to any intervening right of any person arising subsequent to the default sought to be remedied and prior to the order of the minister.

1931, c.16, s.22; R.S.S. 1940, c.40, s.22.

**Damage to claims of others**

**23** In mining operations no person shall, without right or authority, cause damage or injury to the holder of any claim other than his own by throwing earth, clay, stones or other material upon such other claim, or by causing or allowing water which may be pumped or baled from his own claim to flow into or upon such other claim. Any person who violates this section shall, in addition to any civil liability, be liable on summary conviction to a fine of not more than \$50 and costs, and in default of payment to imprisonment for a period of not more than one month, and if default continues the lease may be cancelled.

1931, c.16, s.23; R.S.S. 1940, c.40, s.23.

**Ex officio justices of the peace**

**24** Every recorder, engineer and inspector appointed under the provisions of this Act shall be *ex officio* a justice of the peace for Saskatchewan and any such officer may appoint any number of constables not exceeding four for the territory of which he is appointed as such officer, and the persons so appointed from time to time shall be, and they are hereby constituted, constables and peace officers for the purposes of this Act for and during the terms and within the territories for which they are respectively appointed.

1931, c.16, s.24; R.S.S. 1940, c.40, s.24.

**Employees not to divulge certain information**

**25** No officer of the department shall disclose any information obtained by him in his official capacity, which the minister certifies ought not in the public interest to be divulged or cannot without prejudice to the interests of persons not concerned in the litigation be divulged, and all such information shall be privileged.

1931, c.16, s.25; R.S.S. 1940, c.40, s.25.

**Previously acquired rights not affected**

**26** Nothing herein contained shall, save where such intention is expressly stated, be so construed as to affect prejudicially any mining rights and interests acquired prior to the first day of April, 1931, and all mining rights and privileges theretofore or under this Act acquired shall, without the same being expressly stated, be deemed to be taken and held subject to the rights of the Crown and to the public right of way and water.

1931, c.16, s.26; R.S.S. 1940, c.40, s.26.

**Application of certain regulations**

**27** The regulations for the disposal of quarrying rights which came into force on the thirty-first day of January, 1936, shall apply to lessees of quarrying rights under leases executed prior to the said date and after the first day of April, 1931, to the same extent as the said regulations apply to lessees of quarrying rights under leases executed on or after the thirty-first of January, 1936.

1940, c.19, s.3; R.S.S. 1940, c.40, s.27.

**Affidavits**

**28** Affidavits and declarations made under the provisions of this Act may be made before any person duly authorized to administer an oath or declaration.

1931, c.16, s.27; R.S.S. 1940, c.40, s.28.

**Right to construct public roads not affected**

**29** Nothing herein contained shall be construed to limit the right of the proper authorities in any district or territory containing provincial lands, to lay out and construct, from time to time, public roads across, through, along or under any ditch, mill, site, water right or mineral claim.

1931, s.16, s.28; R.S.S. 1940, c.40, s.29.

**Rights of way for transmission lines**

**30** The minister may from time to time grant authority to lay out rights of way for electrical transmission lines and tramways, aerial or otherwise, pipe lines, flumes or water ditches, across, through, along, over or under any mining property acquired under the provisions of this Act, together with full right to enter upon such mining property, or such portion thereof as the minister may deem necessary, for the construction, maintenance and repair of such works, subject to full compensation being made to the owner of the mining property for any damage or loss which he may sustain by reason of such entry, such compensation in case of dispute to be determined by arbitration under the provisions of *The Arbitration Act*

1931, c.16, s.29; R.S.S. 1940, c.40, s.30.

