

chapter M-13.1

**MINING ACT**

AS mineral resources are present throughout Québec and constitute social wealth for present and future generations;

AS mining has helped forge Québec’s identity and should continue to be a source of pride;

AS it is necessary to promote the optimal use of mineral resources in order to create as much wealth as possible for the people of Québec;

AS it is necessary to engage in mineral development in a manner respectful of the environment;

AS it is necessary to promote development that is associated with Québec communities and integrated into their environment;

AS it is necessary to pursue sustainable diversification of the regions’ economies.

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## CHAPTER I

### APPLICATION AND INTERPRETATION

1. In this Act,

“**mineral substances**” means natural mineral substances in solid form;

“**outstanding geological site**” means land whose geological, geomorphic, landscape or biological characteristics are of educational value, or of interest for scientific research or conservation purposes, and that deserves to be protected, in particular because it is threatened, rare or vulnerable;

“**to prospect**” means to examine a territory for the purpose of searching for mineral substances without holding real and immovable mining rights in respect of the territory searched;

“**surface mineral substances**” means peat; sand including silica sand; gravel; limestone; calcite; dolomite; common clay and argillaceous rocks used in the manufacture of clay products; all types of rocks used as dimension stone, crushed stone or silica ore or in the making of cement; and every mineral substance that is found in its natural state as a loose deposit, except the tilth, as well as inert mine tailings, where such substances and tailings are used for construction purposes, for the manufacture of construction materials, or for the improvement of soils ;

“**tailings**” means rejected mineral substances, sludge and water, except the final effluent, from extraction operations and ore treatment, and slag from pyrometallurgy operations;

1987, c. 64, s. 1; 1988, c. 9, s. 1; 1998, c. 24, s. 1; 2005, c. 45, s. 1; 1998, c. 24, s. 1; 2016, c. 35, s. 23.

2. This Act binds the Government and its departments and agencies that are mandataries of the State.

1987, c. 64, s. 2; 1999, c. 40, s. 178.

## CHAPTER I.1

### PROVISIONS SPECIFIC TO NATIVE COMMUNITIES

2013, c. 32, s. 2.

2.1. This Act must be construed in a manner consistent with the obligation to consult Native communities. The Government shall consult Native communities separately if the circumstances so warrant.

2013, c. 32, s. 2.

2.2. Taking into account the rights and interests of Native communities is an integral part of reconciling mining activities with other possible uses of the territory.

2013, c. 32, s. 2.

2.3. The Minister draws up, makes public and keeps up to date a Native community consultation policy specific to the mining sector.

2013, c. 32, s. 2.

## CHAPTER II

### OWNERSHIP OF RIGHTS IN OR OVER MINERAL SUBSTANCES

1987, c. 64, c. II; 1988, c. 9, s. 2; 2016, c. 35, s. 23.

3. Subject to sections 4 and 5, rights in or over mineral substances, other than those of the tilth, form part of the domain of the State.

1987, c. 64, s. 3; 1988, c. 9, s. 3; 1999, c. 40, s. 178; 2016, c. 35, s. 23.

**4.** Rights in or over mineral substances listed below do not form part of the domain of the State if the substances are found

— in mining concessions for which letters patent were issued before 1 July 1911;

— in lands granted in a township before 24 July 1880 or granted by location ticket for agricultural purposes for which letters patent or other titles were not issued before or were issued after that date but which, until 1 January 1921, could be deemed to have been issued on 24 July 1880;

— in lands granted under seigniorial tenure where mining rights were not vested in the State:

(1) mineral substances contained in a parcel of land where a deposit in operation on 6 May 1982 was situated, provided a declaration according to law was filed in the office of the registrar within 180 days after 15 September 1982;

(2) mineral substances contained in a parcel of land containing an ore deposit serving as a reserve necessary to the carrying on of a mining, petroleum or gas enterprise in operation in Québec on 6 May 1982, provided that the operator, within the meaning of section 218, was the holder of the rights in those mineral substances, that he established the existence of indicators of the presence of a workable deposit and that he filed a declaration according to law in the office of the registrar within 180 days after 15 September 1982;

(3) mineral substances covered by an option, a promise of sale or a lease on 6 May 1982, provided that the original or an authentic copy of the document was filed in the office of the registrar within 180 days after 15 September 1982.

In lands granted before 24 July 1880, however, rights in or over gold and silver deposits form part of the domain of the State.

1987, c. 64, s. 4; 1988, c. 9, s. 4, s. 5; 1999, c. 40, s. 178.

**5.** Rights in or over the following mineral substances are surrendered to the owner of the soil where they are found in lands granted or alienated by the State for purposes other than mining purposes before 1 January 1966 or in lands wherein the rights in or over mineral substances were revoked in favour of the State on or after 1 January 1966: sand, gravel, building stone and stone used for sculpture, limestone, calcite used as flux, millstones and grindstones, gypsum, common clay used in making building materials, firebrick, pottery, ceramic substances, mineral waters, infusory earths or tripoli, fuller's earth, peat, marl, ochre or soapstone, provided that, in their natural state, they are isolated from other mineral substances, as well as rights in or over mineral substances of the tilth.

1987, c. 64, s. 5; 1988, c. 9, s. 6; 1999, c. 40, s. 178.

**6.** The owner of the soil and the lessee of land granted, alienated or leased by the State for purposes other than mining purposes on or after 1 January 1966 may use and displace, on the parcel of land in which they have rights and for their domestic needs, any mineral substances listed in section 5.

1987, c. 64, s. 6; 1999, c. 40, s. 178; 2013, c. 32, s. 3.

**7.** Rights in or over tailings belong to the holder of the mining lease or mining concession.

At the expiry of the mining lease or of a right under section 239 or on the abandonment or revocation of the mining lease or mining concession, rights in or over the tailings belong to the owner of the soil on which the tailings have been deposited with his consent.

1987, c. 64, s. 7; 1988, c. 9, s. 8.

**8.** The mining rights conferred by the following titles are immovable real rights:

- claims;
- mining leases;
- mining concessions;
- leases to mine surface mineral substances.

1987, c. 64, s. 8; 1998, c. 24, s. 2; 2013, c. 32, s. 4; 2016, c. 35, s. 23.

**9.** Ownership of any real and immovable mining right is separate from ownership of the soil involved.

Use of the soil, before or after a mining right is granted, by a third person does not in any case confer a right to compensation on the holder of the mining right. The same applies to the transfer or granting of rights in lands in the domain of the State.

This section is declaratory.

1987, c. 64, s. 9; 2013, c. 32, s. 5.

**10.** *(Repealed).*

1987, c. 64, s. 10; 1998, c. 24, s. 3; 2000, c. 42, s. 185; 1998, c. 24, s. 3; 2013, c. 32, s. 6.

**11.** A public register of real and immovable mining rights granted under this Act shall be kept at the Ministère des Ressources naturelles et de la Faune.

1987, c. 64, s. 11; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

**12.** *(Repealed).*

1987, c. 64, s. 12; 1998, c. 24, s. 4.

**13.** The registrar appointed by the Minister of Natural Resources and Wildlife shall

- (1) keep the public register of real and immovable mining rights;
- (2) make in the register a summary entry of such rights and their renewal, transfer, surrender, abandonment, revocation or expiry, and keep in the register the titles evidencing those rights;
- (3) register any other instrument relating to the following mining rights:
  - mining leases;
  - mining concessions;
  - leases to mine surface mineral substances;
- (4) register promises to purchase relating to claims.

1987, c. 64, s. 13; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35; 2013, c. 32, s. 7; 2016, c. 35, s. 23.

**13.1.** The registrar shall register the authorizations granted under sections 66, 67, 69, 70, 106, 107, 140 and 150 in the public register of real and immovable mining rights.

The registrar shall make an entry in the register relating to the declarations of lease or claim holders concerning the discovery of mineral substances that contain 0.1% or more of triuranium octaoxide.

2013, c. 32, s. 8.

**14.** Every transfer of a real and immovable mining right, and every other act to which paragraph 3 or 4 of section 13 applies, shall be registered in the public register of real and immovable mining rights on presentation of a copy of the instrument evidencing the transfer or act and on payment of the fees fixed by regulation.

No such transfer or act may have effect against the State unless it has been registered in the public register of real and immovable mining rights.

1987, c. 64, s. 14; 1998, c. 24, s. 5; 1999, c. 40, s. 178; 2013, c. 32, s. 9.

**15.** *(Repealed).*

1987, c. 64, s. 15; 1999, c. 40, s. 178; 1998, c. 24, s. 6.

**16.** Upon payment of the fee prescribed by regulation, the registrar shall issue to any interested person a certificate of any entry in the public register of real and immovable mining rights.

1987, c. 64, s. 16.

## CHAPTER III

### MINING RIGHTS OF THE DOMAIN OF THE STATE

1999, c. 40, s. 178.

#### DIVISION I

##### OBJECT AND SCOPE

**17.** The purpose of this Act is to promote mineral prospecting, exploration and development in keeping with the principle of sustainable development, while ensuring that Quebecers get a fair share of the wealth generated by mineral resources and taking into account other possible uses of the territory.

Another purpose of this Act is to ensure that non-renewable resources are used for the benefit of future generations.

A further purpose of this Act is to develop homegrown expertise in mineral resource exploration, development and processing in Québec.

1987, c. 64, s. 17; 2013, c. 32, s. 10.

**18.** This chapter applies to mineral substances which are situated in lands in the domain of the State and in lands in the private domain where the mineral substances form part of the domain of the State.

1987, c. 64, s. 18; 1999, c. 40, s. 178; 2016, c. 35, s. 23.

#### DIVISION II

##### PROSPECTING

1987, c. 64, Div. II; 1988, c. 9, s. 9; 2021, c. 35, s. 24.

**19.** Any person may prospect on or may designate on a map a parcel of land on which a claim may be obtained.

1987, c. 64, s. 19; 1988, c. 9, s. 9; 2021, c. 35, s. 25.

**20.** *(Replaced).*

1987, c. 64, s. 20; 1988, c. 9, s. 9; 2021, c. 35, s. 25.

**21.** *(Replaced).*

1987, c. 64, s. 21; 1999, c. 40, s. 178; 2021, c. 35, s. 25.

**22.** *(Replaced).*

1987, c. 64, s. 22; 1998, c. 24, s. 7; 2021, c. 35, s. 25.

**23.** *(Replaced).*

1987, c. 64, s. 23; 1988, c. 9, s. 9; 2021, c. 35, s. 25.

**24.** *(Replaced).*

1987, c. 64, s. 24; 1988, c. 9, s. 9; 2021, c. 35, s. 25.

**24.1.** *(Replaced).*

1990, c. 36, s. 1; 2021, c. 35, s. 25.

**25.** *(Replaced).*

1987, c. 64, s. 25; 2021, c. 35, s. 25.

**26.** No person may prohibit or hinder access to any land containing mineral substances forming part of the domain of the State to any person prospecting on that land in accordance with the provisions of this division if the person identifies himself on request.

1987, c. 64, s. 26; 1999, c. 40, s. 178; 2021, c. 35, s. 26.

**27.** No person may prospect on a parcel of land that is subject to a claim, a mining concession or a mining lease, or on a parcel of land referred to in section 304.1 or withdrawn from prospecting, mining exploration and mining operations under this Act, or by the effect of another Act, to the extent provided for in that Act.

1987, c. 64, s. 27; 2005, c. 45, s. 2; 2013, c. 32, s. 11.

**28.** *(Repealed).*

1987, c. 64, s. 28; 1998, c. 24, s. 8; 2003, c. 15, s. 1; 2021, c. 35, s. 27.

**28.1.** *(Repealed).*

2003, c. 15, s. 2; 2021, c. 35, s. 27.

**29.** No person may designate on a map any land that is subject to a claim, a mining concession, a mining lease, an application for a mining lease or an application for a conversion of claims under subdivision 5 of Division III of this chapter.

1987, c. 64, s. 29; 1998, c. 24, s. 9; 2013, c. 32, s. 12; 2021, c. 35, s. 28.

**30.** No person may map designate a parcel of land withdrawn from prospecting, mining exploration and mining operations under this Act, or by the effect of another Act to the extent provided for in that Act.



No person may designate on a map any parcel of land that is subject to a provisional suspension notice pursuant to section 304.1.

1987, c. 64, s. 30; 2003, c. 15, s. 3; 2013, c. 32, s. 13; 2021, c. 35, s. 29.

**30.1.** No person may designate on a map or carry on mining exploration or mining operations work on an outstanding geological site classified under section 305.1.

2005, c. 45, s. 3; 2021, c. 35, s. 30.

**31.** *(Repealed).*

1987, c. 64, s. 31; 1998, c. 24, s. 10.

**32.** *(Repealed).*

1987, c. 64, s. 32; 1991, c. 23, s. 1; 1999, c. 40, s. 178; 1998, c. 24, s. 11; 2001, c. 6, s. 143; 2010, c. 3, s. 299; 2013, c. 32, s. 14; 2021, c. 35, s. 31.

**33.** No person may, without the prior authorization of the Minister, prospect on any land

(1) situated in an Indian reserve;

(2) designated as a migratory bird sanctuary under the Migratory Birds Convention Act (R.S.C. 1985, c. M-7).

1987, c. 64, s. 33; 1998, c. 24, s. 12; 2021, c. 35, s. 32.

**34.** The Minister may subject his authorization to conditions and requirements which may, among other matters and notwithstanding the provisions of this Act, concern the work to be performed on the land that will be subject to the claim.

The Minister may also, in the public interest, impose such conditions and requirements on the claim holder during the term of the claim, alter existing conditions and requirements or impose new conditions and requirements.

1987, c. 64, s. 34; 1998, c. 24, s. 13.

**35.** *(Repealed).*

1987, c. 64, s. 35; 1998, c. 24, s. 14; 2021, c. 35, s. 33.

**36.** *(Repealed).*

1987, c. 64, s. 36; 1988, c. 9, s. 9; 1998, c. 24, s. 15; 2021, c. 35, s. 33.

**37.** *(Repealed).*

1987, c. 64, s. 37; 1998, c. 24, s. 16.

**38.** No person may designate on a map any land that is subject to a claim the registration of which has been refused or an abandoned, revoked, unrenewed or expired claim, before 9:00 a.m. on the thirty-first day after, as the case may be, the date on which the refusal to register or to renew or the revocation of the claim became enforceable, after the date of registration of the abandonment by the registrar or after the date of expiry.

Notwithstanding the first paragraph, in no case may the holder of the abandoned, revoked, unrenewed or expired claim or any person who had an interest therein, or any person whose application for the registration

of a claim has been refused, designate on a map, on his own behalf, the parcel of land that was subject thereto before an additional 30-day period.

For the purposes of the second paragraph, a natural person, the person's representatives and their employees or, in the case of a legal person, the legal person, its subsidiaries and their directors, executives, representatives and employees are deemed to constitute a single person.

Where the interested person withdraws a contestation relating to a refusal to register, a refusal to authorize work, a refusal to renew or a revocation, the period begins to run from the day a notice of discontinuance is filed in the office of the Court of Québec.

1987, c. 64, s. 38; 1988, c. 21, s. 66; 1998, c. 24, s. 17; 2003, c. 15, s. 4; 2013, c. 32, s. 15; 2020, c. 12, s. 144; 2021, c. 35, s. 34.

**39.** Every officer or other employee of the department acting in the performance of his duties or any other person acting on behalf of the State who makes a discovery of ore shall designate on a map the parcel of land containing the ore, in favour of the State, in accordance with Division III.

1987, c. 64, s. 39; 1999, c. 40, s. 178; 2021, c. 35, s. 35.

### DIVISION III

#### CLAIMS

##### § 1. — *Acquisition*

**40.** A claim may be obtained by map designation in accordance with this division.

For the purposes of this division, “staked claim”, “claim obtained by staking” or “parcel of land staked”, “staked parcel of land”, or “land staked”, means a claim obtained by staking or the parcel of land on which such a claim is obtained in accordance with this Act, as it reads on 8 December 2021.

1987, c. 64, s. 40; 2021, c. 35, s. 36.

**41.** *(Repealed).*

1987, c. 64, s. 41; 1998, c. 24, s. 18.

**42.** The area and shape of a parcel of land that may be the subject of a claim by way of map designation shall be determined by the Minister and shown in the public register of real and immovable mining rights. Any modification takes effect on the date specified in the notice.

1987, c. 64, s. 42; 1988, c. 9, s. 10; 1998, c. 24, s. 19; 2003, c. 15, s. 5; 2013, c. 32, s. 16; 2021, c. 35, s. 37.

**42.1.** Every claim obtained by map designation or by conversion of a mining right into a map designated claim pursuant to subdivision 5 of this division must cover the entire area of a parcel of land determined by the Minister and shown on the maps kept at the office of the registrar or, where applicable, only the area of the parcel of land that is open to map designation in accordance with this Act.

However, where a map designated claim has been obtained by the conversion of a mining right, the claim holder may, within 60 days from the date of issue of the certificate of registration of the claim, refuse the inclusion of any part of the parcel of land subject to the claim that exceeds the area subject to the converted mining right if the inclusion of the excess portion would impose new requirements on the claim holder by reason of the application of section 231.

1998, c. 24, s. 20.

**42.2.** Where it has not been possible to extend a claim obtained by map designation or by conversion of a mining right to cover the total area of a parcel of land as shown on the maps, the area of land subject to the claim must, as soon as possible, be extended so as to include an area corresponding to the total area of a parcel of land shown on the maps provided that the included area is open to map designation in accordance with this Act.

Where parts of a parcel of land shown on the maps are subject to more than one claim, the Minister shall extend one such claim, as determined by a drawing of lots, to include the excess portion of the parcel of land, provided that the included area is contiguous and is open to map designation in accordance with this Act.

However, the holder of the claim extended to include the excess portion of land may, within 60 days from the date of issue of the notice of extension, refuse the extension if it would impose new obligations on the claim holder by reason of the application of section 231.

1998, c. 24, s. 20.

**42.3.** No extension of the area of the parcel of land subject to a claim, pursuant to section 42.2, shall have the effect of increasing the cost of the work to be performed in respect of the claim for the term during which the extension is effected.

1998, c. 24, s. 20.

**42.4.** Any decision concerning the application of sections 42.1 and 42.2 may be made by the Minister, including a decision concerning the rules relating to the area of the parcel of land subject to a claim obtained by map designation or by conversion of a mining right, and the Minister may order, where necessary for the application of the said provisions, a survey of the parcels of land concerned.

1998, c. 24, s. 20.

**42.5.** *(Repealed).*

2003, c. 15, s. 6; 2013, c. 32, s. 17; 2021, c. 35, s. 38.

**43.** *(Repealed).*

1987, c. 64, s. 43; 1988, c. 9, s. 11, s. 12; 1998, c. 24, s. 21.

**44.** *(Repealed).*

1987, c. 64, s. 44; 1988, c. 9, s. 9, s. 14; 1999, c. 40, s. 178; 1998, c. 24, s. 22; 2021, c. 35, s. 38.

**45.** *(Repealed).*

1987, c. 64, s. 45; 1988, c. 9, s. 15; 2013, c. 32, s. 18; 2021, c. 35, s. 38.

§ 2. — *Registration and validity*

**46.** *(Repealed).*

1987, c. 64, s. 46; 1988, c. 9, s. 16; 1998, c. 24, s. 23; 2013, c. 32, s. 19; 2021, c. 35, s. 38.

**47.** A claim is acquired by the filing of a notice of map designation followed by its registration at the office of the registrar.

1987, c. 64, s. 47; 1998, c. 24, s. 24; 2013, c. 32, s. 20; 2021, c. 35, s. 39.

**48.** *(Repealed).*

1987, c. 64, s. 48; 1998, c. 24, s. 25; 2003, c. 15, s. 7; 2013, c. 32, s. 21; 2021, c. 35, s. 40.

**49.** The notice of map designation must be presented on a form supplied by the Minister, contain the information determined by regulation and be accompanied with the fee prescribed by regulation.

1987, c. 64, s. 49; 1998, c. 24, s. 26; 2003, c. 15, s. 8; 2013, c. 32, s. 22; 2021, c. 35, s. 41.

**50.** *(Repealed).*

1987, c. 64, s. 50; 1998, c. 24, s. 27; 2013, c. 32, s. 23; 2021, c. 35, s. 42.

**51.** *(Repealed).*

1987, c. 64, s. 51; 1988, c. 9, s. 9; 1998, c. 24, s. 28; 2013, c. 32, s. 24; 2021, c. 35, s. 42.

**52.** The registrar shall refuse a notice of map designation

- (1) where the land is subject to a claim registered in accordance with this subdivision;
- (2) *(subparagraph repealed)*;
- (3) where the land has been designated on a map in contravention of section 29, 30, 30.1 or 38;
- (4) where it does not meet the requirements of section 49, in particular where the conversion cannot be effected;
- (5) where the territory has an area of 0.1 ha or less.

The registrar shall forward, to the Minister, every notice of map designation that concerns a parcel of land

- (1) referred to in section 4, where only gold and silver form part of the domain of the State;
- (2) from which mineral substances referred to in section 5 have been, or are being, extracted, except sand or gravel;
- (3) referred to in section 33; or
- (4) where the mineral substances are reserved to the State under section 304.

The Minister may refuse the notice of map designation or, where considered necessary by the Minister, accept it subject to the conditions and requirements imposed by the Minister that may, in particular and notwithstanding the provisions of this Act, concern work to be performed on the parcel of land that will be subject to the claim.

The Minister may also, in the public interest, impose such conditions and requirements on the claim holder during the term of the claim, alter existing conditions and requirements or impose new conditions and requirements.

1987, c. 64, s. 52; 1998, c. 24, s. 29; 2003, c. 15, s. 9; 2013, c. 32, s. 25; 2021, c. 35, s. 43.

**53.** The registrar shall refer to the Minister, for a decision, any other case where the notice of map designation does not appear to him to meet the requirements of this Act or the regulations or gives rise to a dispute.

1987, c. 64, s. 53; 2021, c. 35, s. 44.

**54.** *(Repealed).*

1987, c. 64, s. 54; 2021, c. 35, s. 45.

**55.** Every decision refusing a notice of map designation must be in writing and give the reasons on which it is based. A copy of the decision shall be sent to the interested person within 15 days by registered mail.

1987, c. 64, s. 55; I.N. 2016-01-01 (NCCP); 2021, c. 35, s. 46.

**56.** The registrar shall issue to an applicant whose notice of map designation is accepted a certificate of registration evidencing the claim from the date of filing of the notice and make an entry thereof in the public register of real and immovable mining rights.

1987, c. 64, s. 56; 1988, c. 9, s. 19; 2021, c. 35, s. 47.

**57.** The Minister may, if there is no dispute in that respect, rectify an obvious error in the registration of a claim.

1987, c. 64, s. 57.

**58.** The Minister may make any decision concerning the area of a claim where parcels of land overlap each other, or where the area, orientation or length of the boundary lines of the land does not meet the requirements of this Act or the regulations.

For the purposes of the first paragraph, the Minister may order that a survey of the claim be made.

1987, c. 64, s. 58; 1988, c. 9, s. 20; 2003, c. 15, s. 10; 2021, c. 35, s. 48.

**58.1.** The Minister may make any decision concerning the conversion of a staked claim into a map designated claim or the amalgamation or replacement of map designated claims.

2003, c. 15, s. 11.

**59.** The survey of a claim, carried out in accordance with this Act and the regulations, shall remain in force and be considered to be the delimitation and description of that parcel of land until the claim is abandoned or revoked or expires or until its area is altered.

Where parcels of land subject to a claim are contiguous, the boundaries of the parcel of land subject to the older claim prevail.

Where a statement by the holder of a staked claim establishes that the parcel of land subject to the staked claim is not located within the boundaries of a parcel of land where a claim has been or may be obtained by map designation, the boundaries of the map designated parcel of land prevail.

1987, c. 64, s. 59; 2003, c. 15, s. 12.

**59.1.** The statement provided for in the third paragraph of section 59 and the agreement signed by the holder of the staked claim and provided at the time of the conversion of a mining right into a map designated claim may be set up against third persons.

2003, c. 15, s. 13; 2013, c. 32, s. 26; 2021, c. 35, s. 49.

**60.** *(Repealed).*

1987, c. 64, s. 60; 2003, c. 15, s. 14; 2021, c. 35, s. 50.

**60.1.** The Minister shall determine the boundaries of the territories in which claims may be obtained by map designation, and indicate them on maps kept at the office of the registrar. The Minister shall, from time

to time, modify the boundaries of the territories as and when claims obtained by staking are map designated or converted into map designated claims, are not renewed, or are abandoned or revoked.

The notice of modification, accompanied with the map showing the new boundaries of the territories, must be filed and kept at the office of the registrar and made public by the Minister.

The modification shall take effect after the filing, on the date indicated in the notice.

1998, c. 24, s. 31; 2003, c. 15, s. 15; 2013, c. 32, s. 27; 2021, c. 35, s. 51.

**61.** Subject to the special rules in the first paragraph of section 83.3 that apply to the conversion of claims into map designated claims, the first term of a claim expires three years after the claim is registered.

The Minister shall renew the claim for a term of two years provided the claim holder

(1) has applied for the renewal of the claim before its date of expiry. An application for renewal must be filed using the form supplied by the Minister and must contain the information determined by regulation;

(2) has paid the fee prescribed by regulation;

(3) has complied with this Act and the regulations throughout the previous term of the claim and, in particular, has performed and reported on the work required under section 72;

(4) has met any other renewal requirement prescribed by regulation.

A claim registered in favour of the State remains in force for the period and on the conditions determined by the Minister, who may dispose of it for the price and subject to the conditions determined by the Government.

If all or part of a claim lies within a mining-incompatible territory, it may only be renewed if work is performed on the claim during any term occurring after the delimitation of that territory.

1987, c. 64, s. 61; 1999, c. 40, s. 178; 1998, c. 24, s. 32; 2003, c. 15, s. 16; 2013, c. 32, s. 28; 2021, c. 35, s. 52.

**62.** *(Repealed).*

1987, c. 64, s. 62; 2013, c. 32, s. 29.

**63.** Subject to the conditions determined by the Minister, the Minister may, on his own initiative or at the request of any interested person, suspend the term of the claim,

(1) during such time as the validity of the claim is contested;

(2) for the period he determines, where the claim holder is prevented from performing the work prescribed by section 72;

(3) until he has rendered a decision on an application for a mining lease, where the application concerns the land that is the subject of the claim.

1987, c. 64, s. 63; 1998, c. 24, s. 33.

### § 3. — *Rights and obligations*

**64.** The holder of a claim has the exclusive right to explore for mineral substances on the parcel of land subject to the claim, with the exception of

(1) *(paragraph repealed);*

(2) sand other than silica sand used for industrial purposes, gravel, common clay used in the manufacture of clay products and every other mineral substance found in its natural state as a loose deposit, as well as inert mine tailings used for construction purposes;

(3) on any part of the parcel of land that is also subject to an exclusive lease to mine surface mineral substances, every other surface mineral substance.

1987, c. 64, s. 64; 1998, c. 24, s. 34; 2013, c. 32, s. 30; 2016, c. 35, s. 23.

**65.** Every claim holder has access to the parcel of land subject to his claim and may perform any exploration work thereon.

Notwithstanding the first paragraph, on lands granted, alienated or leased by the State for purposes other than mining purposes or on lands under an exclusive lease to mine surface mineral substances, the claim holder may exercise such rights only in accordance with section 235. In such cases, the Minister shall, within 60 days after the claim is registered, notify the owner, the lessee, the holder of the exclusive lease to mine surface mineral substances and the local municipality of the claim and publish a notice to that effect on the department's website, in the manner determined by regulation.

With respect to lands granted or alienated by the State for purposes other than mining purposes, if the claim is in the territory of a local municipality, the claim holder must inform the municipality and the landowner of the work to be performed at least 30 days before the work begins.

1987, c. 64, s. 65; 1999, c. 40, s. 178; 2013, c. 32, s. 31; 2021, c. 35, s. 53.

**66.** The claim holder may not erect or maintain any construction on lands of the domain of the State without first obtaining authorization from the Minister, except if the construction is located on the parcel of land subject to the claim and is a construction of a type defined by a ministerial order made under subparagraph 2.1 of the first paragraph of section 304.

When the claim holder becomes aware that a third person is erecting a construction on such lands, he shall immediately notify the Minister in writing.

1987, c. 64, s. 66; 1999, c. 40, s. 178; 1998, c. 24, s. 35.

**67.** Any part of a watercourse with a natural force equal to or greater than 225 kilowatts at its ordinary flow during 6 months together with a strip of land 20 metres in width on each side of the watercourse shall be excluded from any claim and reserved to the State.

The Minister may add to the reserve any area he considers necessary for the development and utilization of the waterpower. Where such an addition is made after the registration of a claim on the land, compensation shall be paid to the claim holder in an amount equal to the amounts spent for all the work performed, on the filing of the reports on that work.

The Minister may, subject to certain conditions, authorize a claim holder to explore for mineral substances on the reserved land.

1987, c. 64, s. 67; 1988, c. 53, s. 2; 1999, c. 40, s. 178; 2013, c. 32, s. 32.

**68.** A claim holder may use, for his mining activities, sand or gravel forming part of the domain of the State except where the land subject to his claim is already under an exclusive lease, in favour of a third person, to mine surface mineral substances.

1987, c. 64, s. 68; 1999, c. 40, s. 178.

**69.** The claim holder shall not extract or dispatch mineral substances except for sampling, nor a quantity in excess of 50 metric tons.

If the claim holder shows that it is necessary to extract or dispatch a greater quantity of mineral substances, other than surface mineral substances, the Minister may authorize him to extract or dispatch a fixed quantity of such mineral substances for the purpose of determining the characteristics of the ore. Within one year after the extraction, the claim holder shall report the quantity of mineral substances extracted and the results of the testing to the Minister.

The application for authorization must be accompanied by the fee prescribed by regulation.

1987, c. 64, s. 69; 1998, c. 24, s. 36; 2013, c. 32, s. 33.

**70.** Where, on land of the domain of the State, and before the registration of any claim, an improvement consistent with the regulation already exists, or where such land is already the subject of a transfer or lease referred to in section 239, no claim holder may carry on any work unless he obtains the authorization of the Minister and complies with such conditions as the latter may determine.

1987, c. 64, s. 70; 1999, c. 40, s. 178.

**71.** Stone may be extracted from lands in the domain of the State, without compensation to the claim holder, for the construction or maintenance of State works.

1987, c. 64, s. 71; 1999, c. 40, s. 178; 2013, c. 32, s. 34.

**71.1.** The claim holder must, not later than 31 January each year, submit to the Minister a report on the work performed during the period from 1 January to 31 December of the preceding year. The report must be presented using a form supplied by the Minister and must contain the information determined by regulation.

Despite the first paragraph, the first report on the work performed during the period from the date of registration of the claim to 31 December of the year following the year of registration must be submitted within 30 days following that period.

2013, c. 32, s. 35; 2021, c. 35, s. 54.

**72.** Subject to sections 73 and 75 to 81, the claim holder shall, before the expiry of his claim, perform on the land that is subject to his claim work of the nature and for the minimum cost determined by regulation. However, the amounts spent on property examination and technical assessment work shall not be accepted unless the work is performed within 48 months following the date on which the claim was registered.

The claim holder must, not later than that day, report to the Minister on all the work performed, including work for which an exploration allowance or a pre-production development allowance may be claimed under the Mining Tax Act (chapter I-0.4), whether or not it actually is. The report shall be in the form and accompanied with the documents prescribed by regulation.

1987, c. 64, s. 72; 1988, c. 9, s. 21; 1998, c. 24, s. 37; 2013, c. 32, s. 36; 2021, c. 35, s. 55.

**73.** Where the work to be performed by the holder of a claim has not been performed or reported within the time prescribed or where the work performed, on the expiry of the time prescribed, is not sufficient for the renewal of the claim, the claim holder may pay the Minister an amount equal to twice the minimum cost of the work that should have been performed or reported or, where applicable, twice the difference between that minimum cost and the cost of the work performed on the land and reported.

1987, c. 64, s. 73; 1998, c. 24, s. 38; 2013, c. 32, s. 37.

**74.** The Minister may refuse all or part of the work where the documents filed

- (1) are incomplete or not consistent with the regulations;
- (2) do not corroborate the stated amounts or the actual cost of the work;



- (3) fail to show that the stated amounts were disbursed solely for the performance of work;
- (4) have been falsified or contain false information;

(5) pertain to work previously reported by the claim holder or by a third person and accepted as part of another report.

1987, c. 64, s. 74.

**75.** Amounts spent during the term of a claim to perform work in excess of the minimum cost prescribed by regulation and excess amounts accumulated for the claim as at 6 May 2015 may be applied to the six subsequent terms of the claim, subject to the special rules for the conversion of staked claims into map designated claims.

1987, c. 64, s. 75; 2013, c. 32, s. 38.

**76.** The holder of adjoining claims may, not later than the date of the expiry of the claim to be renewed, apply all or part of the amounts spent to perform, in respect of a claim, any work in excess of the prescribed requirements to a claim the renewal of which is applied for, up to the amount necessary for its renewal, provided the land that is the subject of the application for renewal is included within a 4.5 kilometre radius circle measured from the geometrical centre of the parcel of land subject to the claim in respect of which work was performed in excess of the prescribed requirements.

1987, c. 64, s. 76; 1998, c. 24, s. 39; 2003, c. 15, s. 17.

**77.** *(Repealed).*

1987, c. 64, s. 77; 1998, c. 24, s. 40; 2003, c. 15, s. 18; 2013, c. 32, s. 39.

**78.** Excess amounts spent in respect of a claim by its holder may be applied, in accordance with section 76, towards the renewal of another claim regarding which the holder has made a promise to purchase by way of an instrument registered in the public register of real and immovable mining rights.

If those excess amounts were spent by a person who is not the holder of the claim concerned but who has made a promise to purchase in the manner described in the preceding paragraph, the amounts spent may be applied, with the claim holder's written consent, towards the renewal of a claim held by that person or regarding which the person has made a promise to purchase in the manner described in the preceding paragraph.

1987, c. 64, s. 78; 1988, c. 9, s. 22; 2013, c. 32, s. 40.

**79.** For the purposes of sections 75 to 78, where the work performed is insufficient to permit the renewal of a claim, the claim holder may, within 15 days of being so notified by the Minister, submit a new application for renewal.

If the claim holder fails to do so, the application for renewal shall be amended by the Minister according to the rules prescribed by regulation.

1987, c. 64, s. 79.

**80.** The work performed in respect of a claim during the 24 months preceding the current term may, in a report, be applied to the current term of the claim.

However, where a claim obtained by staking is converted into one or more map designated claims following an application under section 83.2, only the work performed in respect of the claim during the 24

months preceding the date of conversion may be applied, in a report, to the term of the claim that follows the conversion.

1987, c. 64, s. 80; 1988, c. 9, s. 23; 1990, c. 36, s. 2; 1998, c. 24, s. 41.

**81.** All geological, geophysical or geochemical surveys and prospecting work defined by regulation, performed in the territory comprising the parcel of land that is subject to a claim during the 24 months preceding the date of filing of the notice of map designation may, in a report, be applied to the first term of a claim.

1987, c. 64, s. 81; 1998, c. 24, s. 42; 2021, c. 35, s. 56.

**81.1.** A claim holder is required to declare to the Minister and to the Minister of Sustainable Development, Environment and Parks any discovery of mineral substances containing 0.1% or more of triuranium octaoxide within 90 days after the discovery.

2013, c. 32, s. 41.

**82.** The Minister may order the cessation of the work if necessary in his judgment to permit the use of the territory for public utility purposes.

In such a case, the Minister shall, subject to certain conditions, suspend the term of the claim.

After six months, if the Minister is of opinion that the cessation of the work must be maintained, he shall terminate the claim and pay compensation equal to the amounts spent for all the work performed, on the filing of the reports on that work.

1987, c. 64, s. 82; 2013, c. 32, s. 42.

#### § 4. — *Abandonment*

**83.** A claim holder may abandon his right by filing a written notice to that effect with the registrar. The claim is deemed to be abandoned on the day on which the registrar registers the abandonment in the public register of real and immovable mining rights.

However, the claim holder may abandon only part of the claim with a view to the classification of an outstanding geological site or a protected area or for any other reason considered sufficient by the Minister. In such a case, the Minister may give the claim holder authorization to move, disturb or replace a post delimiting the staked parcel of land.

1987, c. 64, s. 83; 1988, c. 9, s. 24; 1998, c. 24, s. 43; 2013, c. 32, s. 43.

#### § 5. — *Conversion of mining rights into map designated claims*

**83.1.** *(Repealed).*

1998, c. 24, s. 44; 2013, c. 32, s. 44.

**83.2.** The holder of a claim obtained by staking may apply to the Minister for the conversion of the staked claim into one or more map designated claims.

The application for conversion must be filed using the form supplied by the Minister, and contain the information and be accompanied with the documents determined by regulation.

The claims obtained by conversion shall replace the converted claims from the date of issue of the certificates of registration of the claims converted into map designated claims, and the date of registration of the converted claims is deemed to be the date of conversion.

The conversion of a claim applied for under this section is effected in accordance with sections 83.3 to 83.5.

1998, c. 24, s. 44; 2013, c. 32, s. 45.

**83.3.** The date of expiry of the claims converted into map designated claims shall be the date of expiry of the converted claims. However, where an application for conversion concerns more than one claim held on contiguous parcels of land, the Minister shall fix the date of expiry of the claims converted into map designated claims by calculating, in the manner prescribed by regulation, the average unexpired portion of the terms of all the claims to be converted.

The Minister shall also determine, for each of the parcels of land subject to the converted claims, the minimum cost of the work required for the first renewal of the claims following conversion by adding together the minimum cost of the work to be performed on all the parcels of land that are subject to the claims to be converted and by allocating the resulting total minimum cost among the converted claims in proportion to the respective area of each.

1998, c. 24, s. 44.

**83.4.** The Minister shall allocate any excess amount disbursed for work performed on all the parcels of land subject to the claims to be converted among the resulting map designated claims, in the manner and subject to the conditions prescribed by regulation.

1998, c. 24, s. 44.

**83.5.** In order to establish the minimum cost of the work required to renew the claims converted into map designated claims for every renewal except the first renewal following conversion, the Minister shall determine the number of terms of the converted claims in the manner prescribed by regulation.

1998, c. 24, s. 44.

**83.6.** *(Repealed).*

1998, c. 24, s. 44; 2013, c. 32, s. 46.

**83.6.1.** The Minister may, on the Minister's own initiative, convert a staked claim into a map designated claim in accordance with sections 83.3 to 83.5.

2003, c. 15, s. 19; 2013, c. 32, s. 47.

**83.7.** *(Repealed).*

1998, c. 24, s. 44; 2013, c. 32, s. 48.

**83.8.** *(Repealed).*

1998, c. 24, s. 44; 2013, c. 32, s. 48.

§ 6. —

*Repealed, 2013, c. 32, s. 48.*

2013, c. 32, s. 48.

**83.9.** *(Repealed).*

1998, c. 24, s. 44; 2013, c. 32, s. 48.

**83.10.** *(Repealed).*

1998, c. 24, s. 44; 2013, c. 32, s. 48.

**83.11.** *(Repealed).*

1998, c. 24, s. 44; 2013, c. 32, s. 48.

**83.12.** *(Repealed).*

1998, c. 24, s. 44; 2013, c. 32, s. 48.

**83.13.** *(Repealed).*

1998, c. 24, s. 44; 2013, c. 32, s. 48.

§ 7. — Amalgamation of map designated claims

2003, c. 15, s. 20.

**83.14.** The Minister may, on his or her initiative or at the request of the claim holder, amalgamate map designated claims that are contiguous to and within the boundaries of a parcel of land whose area and form have been determined by the Minister in accordance with the third paragraph of section 42, to constitute a new map designated claim.

The application for amalgamation must be filed by the claim holder, using the form supplied by the Minister, and must contain the information and be accompanied with the fee prescribed by regulation.

The claim obtained by amalgamation replaces the amalgamated claims as of the issue of the certificate of registration of the new map designated claim, and the date of registration of the claim is deemed to be the date of amalgamation.

The amalgamation of claims under this section is carried out in accordance with sections 83.3 to 83.5.

2003, c. 15, s. 20.

§ 8. — Replacement of map designated claims

2003, c. 15, s. 20.

**83.15.** Where a map designated claim extends over a parcel of land whose area and form do not correspond to those determined by the Minister and reproduced on the maps kept in the office of the registrar, the Minister may, by virtue of office or on the application of the claim holder, replace that claim with one or more map designated claims covering parcels of land whose area and form must tend to correspond to that determined by the Minister pursuant to the third paragraph of section 42.

The rules provided in sections 42.1 to 42.4 apply, with the necessary modifications, to claims so obtained by replacement.

The application for replacement must be filed by the claim holder, using the form supplied by the Minister, and contain the information and be accompanied with the documents determined by regulation.

The claim obtained replaces the former claim as of the issue of the certificate of registration of the new claim, and its date of registration is deemed to be the date of its replacement.

The replacement of claims under this section is carried out in accordance with sections 83.3 to 83.5.

2003, c. 15, s. 20.

**DIVISION IV**

*Repealed, 2013, c. 32, s. 49.*

2013, c. 32, s. 49.

**84.** *(Repealed).*

1987, c. 64, s. 84; 1998, c. 24, s. 45; 2013, c. 32, s. 49.

**84.1.** *(Repealed).*

1998, c. 24, s. 45; 2013, c. 32, s. 49.

**85.** *(Repealed).*

1987, c. 64, s. 85; 1998, c. 24, s. 46.

**86.** *(Repealed).*

1987, c. 64, s. 86; 1998, c. 24, s. 46.

**87.** *(Repealed).*

1987, c. 64, s. 87; 1998, c. 24, s. 46.

**88.** *(Repealed).*

1987, c. 64, s. 88; 1988, c. 9, s. 25; 1998, c. 24, s. 46.

**89.** *(Repealed).*

1987, c. 64, s. 89; 1998, c. 24, s. 46.

**90.** *(Repealed).*

1987, c. 64, s. 90; 2013, c. 32, s. 49.

**91.** *(Repealed).*

1987, c. 64, s. 91; 1998, c. 24, s. 47; 2013, c. 32, s. 49.

**92.** *(Repealed).*

1987, c. 64, s. 92; 2013, c. 32, s. 49.

**92.1.** *(Repealed).*

1998, c. 24, s. 48; 2013, c. 32, s. 49.

**93.** *(Repealed).*

1987, c. 64, s. 93; 2013, c. 32, s. 49.

**94.** *(Repealed).*

1987, c. 64, s. 94; 1988, c. 9, s. 26; 2003, c. 15, s. 21; 2013, c. 32, s. 49.

**95.** *(Repealed).*

1987, c. 64, s. 95; 2013, c. 32, s. 49.

**96.** *(Repealed).*

1987, c. 64, s. 96; 2013, c. 32, s. 49.

**97.** *(Repealed).*

1987, c. 64, s. 97; 2013, c. 32, s. 49.

**98.** *(Repealed).*

1987, c. 64, s. 98; 2013, c. 32, s. 49.

**99.** *(Repealed).*

1987, c. 64, s. 99; 2013, c. 32, s. 49.

**DIVISION V**

**MINING LEASE AND MINING CONCESSION**

**100.** No person may mine mineral substances, except surface mineral substances, unless he has previously obtained a mining lease from the Minister or a mining concession under any former Act relating to mines.

1987, c. 64, s. 100; 2013, c. 32, s. 50; 2016, c. 35, s. 23.

**101.** The Minister shall grant a lease in respect of all or part of a parcel of land that is subject to one or more claims if the claim holder establishes the existence of indicators of the presence of a workable deposit, meets the conditions and pays the annual rental prescribed by regulation.

The lease cannot be granted before the rehabilitation and restoration plan is approved in accordance with this Act, and the authorization required under the Environment Quality Act (chapter Q-2) for mining operation work has been issued or amended.

Despite the second paragraph, the Minister may grant a lease if the time needed to obtain the authorization is unreasonable.

The Minister shall make public the rehabilitation and restoration plan as submitted to the Minister for approval and register it in the public register of real and immovable mining rights for public information and consultation purposes as part of the environmental impact assessment and review procedure provided for in the Environment Quality Act.

An application for a mining lease must be accompanied by a survey of the parcel of land involved, unless it has already been entirely surveyed, a report describing the nature, extent and probable value of the deposit, certified by an engineer or a geologist who meets the qualification requirements determined by regulation, and a project feasibility study as well as a scoping and market study as regards processing in Québec.

At the Minister's request, the holder of the mining right shall provide the Minister with any document and information relating to the mining project.

The Minister may subject the mining lease to conditions designed to avoid conflicts with other uses of the territory.

1987, c. 64, s. 101; 1998, c. 24, s. 49; 2001, c. 12, s. 15; 2013, c. 32, s. 51; 2017, c. 4, s. 274; 2021, c. 35, s. 57.

**101.0.1.** In the case of a metal mine project where the mine has a production capacity of less than 2,000 metric tons per day, the applicant for a mining lease must, before submitting the application and in the manner prescribed by regulation, hold a public consultation in the region where the project is situated. The applicant shall then send a report on the consultation to the Minister and the Minister of Sustainable Development, Environment and Parks.

The rehabilitation and restoration plan required under section 232.1 must be accessible to the public at least 30 days before the consultation begins. The Minister may, if he deems that the consultation was not carried out in the manner prescribed by regulation, impose any additional measure.

The first paragraph does not apply to a rare earth project.

2013, c. 32, s. 52.

**101.0.2.** When granting a lease, the Government may, on reasonable grounds, require that the economic spinoffs within Québec of mining the mineral resources authorized under the lease be maximized.

2013, c. 32, s. 52.

**101.0.3.** The lessee establishes a monitoring committee to foster the involvement of the local community in the project as a whole.

The committee must be established within 30 days after the lease is issued and must be maintained until all the work provided for in the rehabilitation and restoration plan has been completed.

The committee members are chosen in the manner determined by the lessee.

The lessee determines the number of representatives who are to sit on the committee. However, the committee must include at least one representative of the municipal sector, one representative of the economic sector, one member of the public and, if applicable, one representative of a Native community consulted by the Government with respect to the project. A majority of the committee members must be independent from the lessee. All must be from the region in which the mining lease is granted.

2013, c. 32, s. 52.

**101.1.** Notwithstanding the first paragraph of section 101, the Minister may, if part of the parcel of land concerned by the application for a mining lease is already subject to an exclusive lease to mine surface mineral substances, postpone the granting of the mining lease until the applicant has obtained the consent of the holder of the exclusive lease to exercise, should the lease be granted, a right of access to or the right to perform mining operations on the land concerned or, failing agreement as to the amount of compensation to be paid to the holder of the exclusive lease, until an application for the fixing of compensation has been filed with the competent court. An application for the fixing of compensation is heard and decided by preference.

The Minister may refuse to grant the mining lease if the applicant, six months after a decision by the Minister to postpone the granting of the lease, has not obtained the consent of the holder of the exclusive lease or has not filed an application for the fixing of compensation with the competent court.

1998, c. 24, s. 50; I.N. 2016-01-01 (NCCP).

**102.** The land that is subject to a lease must be comprised within a single perimeter and its area must not exceed 100 hectares.

Notwithstanding the first paragraph, where circumstances warrant it, the Minister may agree to grant a lease on a parcel of land having an area in excess of 100 hectares.

1987, c. 64, s. 102.

**103.** The area of the territory subject to claims referred to in section 101 is reduced by the area of the land subject to the lease, and the work to be performed during the current year in the territory is not reduced.

1987, c. 64, s. 103; 2013, c. 32, s. 53.

**104.** The term of a mining lease is 20 years.

The Minister shall renew the lease, by mere notice, for a period of 10 years, not more than three times, provided the lessee

(1) applies therefor before the sixtieth day preceding the expiry of the lease or, failing that, within 60 days preceding the expiry of the lease on payment of an additional amount prescribed by regulation;

(2) has submitted a report establishing that he has performed mining operations for at least two years in the last 10 years of the lease;

(2.1) has provided the Minister with a scoping and market study as regards processing in Québec;

(3) has paid the annual rental prescribed by regulation;

(4) has complied with this Act, the Mining Tax Act (chapter I-0.4) and the regulations throughout the previous term of the lease;

(5) has complied with any other renewal requirement prescribed by regulation.

Notwithstanding the foregoing, after the third renewal of the lease, the Minister may grant five-year extensions.

1987, c. 64, s. 104; 1998, c. 24, s. 51; 2013, c. 32, s. 54.

**104.1.** The Minister may grant an increase in the area of the territory covered by the lease to the lessee who applies for one, provided

(1) the added land is contiguous to that territory;

(2) the added land is subject to one or more claims held by the lease holder;

(3) mining operations have come into production in reasonable commercial quantities;

(4) the revised rehabilitation and restoration plan has been approved in accordance with this Act, and the authorization required under the Environment Quality Act (chapter Q-2) has been issued or amended, as applicable; and

(5) the lessee has complied with any requirement prescribed by regulation and paid the annual rental for the portion of added land as well as the fees prescribed.

An application for an increase in the area of the territory covered by the lease must also be accompanied by a survey of the parcel of land involved, unless it has already been entirely surveyed, a report describing the nature, extent and probable value of the deposit, certified by an engineer or a geologist who meets the qualification requirements determined by regulation, and a report presenting an estimate of mineral resources and reserves.

2021, c. 35, s. 58.

**105.** Subject to the restrictions contained in this division, a lessee or a grantee has, on land that is subject to a lease or concession, the rights and obligations of an owner.



Notwithstanding the first paragraph, the right to use the surface of land situated within the domain of the State shall be restricted to mining uses, in particular the establishment of tailings yards, workshops, plants and other facilities required for mining activities, and subject to the conditions set out in the lease or concession and in this Act. On lands granted, alienated or leased by the State for purposes other than mining purposes or on lands that are the subject of an exclusive lease to mine surface mineral substances, the right may be exercised only in accordance with section 235.

1987, c. 64, s. 105; 1991, c. 23, s. 2; 1999, c. 40, s. 178.

**106.** Any part of a watercourse with a natural force equal to or greater than 225 kilowatts at its ordinary flow during 6 months together with a strip of land 20 metres in width on each side of the watercourse shall be excluded from any lease and reserved to the State.

The Minister may add to the reserve any area he considers necessary for the development and utilization of the waterpower. Where such an addition is made after the granting of a lease on the land, compensation shall be paid to the lessee.

The Minister, however, may, subject to certain conditions, authorize the lessee to mine mineral substances on the reserved land.

1987, c. 64, s. 106; 1988, c. 53, s. 3; 1999, c. 40, s. 178.

**107.** The following parts of a watercourse or land shall be excluded from any concession and reserved to the State:

(1) any part of a watercourse with a natural force of 110 kilowatts or more, from 15 March 1928;

(2) any strip of land 20 metres in width on each side of the watercourse, from 24 May 1937;

(3) any additional area considered to be necessary by the Government for the development and utilization of waterpower, until 24 October 1988, and, from that date, any additional area considered to be necessary by the Minister for the same purposes. In any such case, compensation shall be paid to the grantee.

Notwithstanding the first paragraph, the Minister may authorize the grantee, subject to certain conditions, to mine mineral substances on the reserved land.

1987, c. 64, s. 107; 1999, c. 40, s. 178.

**108.** Sand and gravel not granted under any former Act relating to mines, petroleum, natural gas and brine are excluded from the concession.

1987, c. 64, s. 108.

**109.** A lessee and a grantee may use, for their mining activities, sand and gravel that is part of the domain of the State except where the land that is subject to the lease is already subject to an exclusive lease to mine surface mineral substances in favour of a third person.

1987, c. 64, s. 109; 1988, c. 9, s. 27; 1999, c. 40, s. 178.

**110.** 5% of the area of the land affected by a lease or concession and situated on lands of the domain of the State shall be reserved to the State for public development purposes.

1987, c. 64, s. 110; 1999, c. 40, s. 178.

**111.** Stone for the construction or maintenance of State works may be extracted from lands of the domain of the State without compensation to the lessee or grantee.

1987, c. 64, s. 111; 1999, c. 40, s. 178; 2013, c. 32, s. 55.

**112.** *(Repealed).*

1987, c. 64, s. 112; 1998, c. 24, s. 52.

**113.** *(Repealed).*

1987, c. 64, s. 113; 1998, c. 24, s. 52.

**114.** All lots subject to a mining concession that have been alienated in accordance with the Mining Act as it read on the date on which the alienation was authorized, and all lots the transfer of which cannot be invalidated under section 361, shall be withdrawn from the mining concession and shall form part of the private domain from the date of alienation or transfer.

1987, c. 64, s. 114; 1998, c. 24, s. 53.

**115.** *(Repealed).*

1987, c. 64, s. 115; 1996, c. 2, s. 738; 1998, c. 24, s. 54.

**115.1.** From 17 June 1998, all lands in the domain of the State that are subject to a mining concession shall be governed, in addition to the provisions of this Act, by the provisions of the Act respecting the lands in the domain of the State (chapter T-8.1) and the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2).

The first paragraph applies to lots the alienation of which was authorized but for which no instrument of alienation has been made and published at the registry office before the said date.

The concession holder is not entitled to any indemnity or reimbursement in respect of any claim arising from the application of this section.

1998, c. 24, s. 55; 1999, c. 40, s. 178; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

**116.** The lessee shall pay the annual rental before the beginning of each year of his lease and comply with the conditions of the lease. The annual rental and the conditions of the lease are prescribed by regulation.

1987, c. 64, s. 116.

**117.** The lessee shall commence mining operations within four years from the date of the lease.

Notwithstanding the first paragraph, the Minister may, where the lessee has a valid reason for requesting it, grant an extension of time on the conditions, for the rental and for the term he determines.

1987, c. 64, s. 117.

**118.** The grantee shall commence mining operations within five years after 10 December 2013.

1987, c. 64, s. 118; 2013, c. 32, s. 56.

**118.1.** Before beginning mining operations and every 20 years after they begin, a grantee shall send the Minister a scoping and market study as regards processing in Québec.

2013, c. 32, s. 57.

**119.** Before mining operations begin and 20 years after they begin, the Government may, on reasonable grounds, require the maximization of the economic spinoffs within Québec of mining the mineral resources authorized under the mining concession.

1987, c. 64, s. 119; 1988, c. 9, s. 28; 2013, c. 32, s. 58.

**120.** Every lessee and grantee shall prepare a report showing, for each mine, the quantity of ore extracted during the previous year, its value, the duties paid under the Mining Tax Act (chapter I-0.4) during that period, the overall contributions paid by the lessee and grantee and any other information determined by regulation and send it either

(1) to the Minister, not later than the 150th day following the end of their fiscal year or, in the case of a natural person, of the calendar year; or

(2) to the Authority at the same time as the statement required under the Act respecting transparency measures in the mining, oil and gas industries (chapter M-11.5).

The Authority shall, without delay, send the Minister the report received under subparagraph 2 of the first paragraph.

1987, c. 64, s. 120; 2013, c. 32, s. 58; 2015, c. 23, s. 48.

**121.** Where contiguous parcels of land with a total area not exceeding 2,000 ha have been leased by separate leases to the same person, the Minister may allow the work to be undertaken on one of the parcels of land only.

Subject to the same conditions, the Minister may grant the same authorization to a grantee referred to in section 100 and allow him to concentrate the work on one parcel of land.

1987, c. 64, s. 121; 2013, c. 32, s. 59.

**122.** A lessee or grantee may abandon his right in respect of all or part of the land subject to his lease or concession provided that

(1) he applies therefor in writing and that, following the application, the Minister has notified all creditors having registered an instrument referred to in paragraph 3 of section 13 in the public register of real and immovable mining rights;

(2) he has paid the duties exigible under the Mining Tax Act (chapter I-0.4);

(3) he has transmitted the plans, registers and reports referred to in section 226 to the Minister;

(4) he has obtained the authorization of the Minister, who shall grant his authorization after obtaining a favourable opinion from the Minister of Sustainable Development, Environment and Parks and not before 30 days from the date of transmission of the notice provided for in paragraph 1;

(5) he has complied with the other provisions of this Act and the regulations.

1987, c. 64, s. 122; 1994, c. 17, s. 75; 1999, c. 36, s. 158; 2006, c. 3, s. 35; 2011, c. 6, s. 290; 2013, c. 32, s. 60.

**123.** Within 30 days from the abandonment of a lease or concession or from the expiry of a lease, the lessee or grantee shall have priority of registration, by notice of map designation, of a claim in respect of all or part of the land that was subject to the abandoned or expired title. In that case, a claim may be obtained on each part of a lot if the lease or concession covers part of a lot and the holder or grantee does not hold a claim on the other part of the lot.

Thereafter, registration under the first paragraph may be applied for by any interested person in respect of any part of the land that has not become subject to a claim pursuant to the first paragraph.

1987, c. 64, s. 123; 1998, c. 24, s. 56.

**124.** A grantee may obtain letters patent from the Minister in respect of the land subject to the concession on proof that the mining operations were begun within the time prescribed under section 118.

Letters patent issued over the signature of the Minister have the same force as if they had been issued and signed by the Lieutenant-Governor and the Attorney General under the Great Seal.

The letters patent shall be registered by the Minister of Justice in his capacity as Registrar of Québec.

1987, c. 64, s. 124.

**125.** Where letters patent contain an error concerning the area or designation of the parcel of land concerned or the name of the holder or any other clerical error, the Minister may cancel the letters patent and issue corrected letters patent having effect on the same date, unless the error is the subject of a dispute.

Where possible, the Minister may also correct letters patent without cancelling them.

1987, c. 64, s. 125.

**126.** The Minister shall notify the Registrar of Québec of the issue, correction or cancellation of letters patent.

Mention shall be made of any correction or cancellation in the margin of the registered letters patent together with a reference to the registration number of the correction or cancellation.

1987, c. 64, s. 126; 2000, c. 42, s. 186.

## **DIVISION VI**

*Repealed, 2013, c. 32, s. 61.*

2013, c. 32, s. 61.

**127.** *(Repealed).*

1987, c. 64, s. 127; 2013, c. 32, s. 61.

**128.** *(Repealed).*

1987, c. 64, s. 128; 2013, c. 32, s. 61.

**129.** *(Repealed).*

1987, c. 64, s. 129; 2013, c. 32, s. 61.

## **DIVISION VII**

*Repealed, 2013, c. 32, s. 61.*

2013, c. 32, s. 61.

**130.** *(Repealed).*

1987, c. 64, s. 130; 1998, c. 24, s. 58; 2013, c. 32, s. 61.

**130.1.** *(Repealed).*

1998, c. 24, s. 58; 2013, c. 32, s. 61.

**131.** *(Repealed).*

1987, c. 64, s. 131; 1998, c. 24, s. 59.

**132.** *(Repealed).*

1987, c. 64, s. 132; 1988, c. 9, s. 29; 1998, c. 24, s. 59.

**133.** *(Repealed).*

1987, c. 64, s. 133; 1990, c. 36, s. 3; 1998, c. 24, s. 59.

**134.** *(Repealed).*

1987, c. 64, s. 134; 2013, c. 32, s. 61.

**135.** *(Repealed).*

1987, c. 64, s. 135; 1998, c. 24, s. 60; 2013, c. 32, s. 61.

**136.** *(Repealed).*

1987, c. 64, s. 136; 1998, c. 24, s. 61; 2013, c. 32, s. 61.

**137.** *(Repealed).*

1987, c. 64, s. 137; 1988, c. 9, s. 30; 2013, c. 32, s. 61.

**138.** *(Repealed).*

1987, c. 64, s. 138; 2013, c. 32, s. 61.

**139.** *(Repealed).*

1987, c. 64, s. 139; 2013, c. 32, s. 61.

## **DIVISION VIII**

### **LEASE TO MINE SURFACE MINERAL SUBSTANCES**

**140.** No person may extract or mine surface mineral substances unless he has obtained a lease to mine surface mineral substances from the Minister.

In the event of a disaster, the Minister may authorize a person who is not a lessee to extract in a year a fixed quantity of surface mineral substances, subject to certain conditions. Every person receiving such authorization must pay the duties and royalty fixed by regulation.

1987, c. 64, s. 140; 1998, c. 24, s. 62; 2013, c. 32, s. 62.

**140.1.** An applicant for a peat lease or a lease to carry on an industrial activity or to engage in commercial export shall hold a public consultation on the project in the region where the project is situated and in the manner prescribed by regulation after submitting the application.

At the Minister's request, the applicant shall provide the Minister with any document or information relating to the public consultation. If the Minister finds that the consultation was not carried out in the manner prescribed by regulation, the Minister may impose any additional measure.

The Minister may subject the lease to conditions designed to avoid conflicts with other uses of the territory or to follow up on comments received during the public consultation.

2013, c. 32, s. 63.

**141.** The lease is non-exclusive where it is granted for the extraction or mining of the following substances used for construction purposes: sand, except silica sand used for industrial purposes, gravel, common clay, every other mineral substance found in its natural state as a loose deposit and inert tailings; however, the lease may be exclusive if granted to a municipality or an intermunicipal board for the construction or maintenance of its streets and road network.

The lease is exclusive where it is granted for the extraction or mining of silica sand used for industrial purposes or for surface mineral substances other than those mentioned in the first paragraph. The lease is also exclusive where it is granted for the extraction or mining of sand, gravel, common clay or a mineral substance found in its natural state as a loose deposit, if it is shown to the Minister's satisfaction that a supply guarantee is necessary for the carrying on of an industrial activity, or a crushing activity to guarantee supplies for an industrial activity or to engage in commercial export outside Québec, or where the lease is applied for by the State for the construction or maintenance of a public highway or other State works.

1987, c. 64, s. 141; 1999, c. 40, s. 178; 1998, c. 24, s. 63; 2003, c. 15, s. 22.

**142.** The Minister shall grant a lease in respect of a given parcel of land to any person who meets the requirements and pays the rental prescribed by regulation.

Notwithstanding the first paragraph, no non-exclusive lease shall be granted, except to the State, where the land concerned is subject to a mining lease, a mining concession, an exclusive lease to mine surface mineral substances or, subject to the fourth paragraph, an application for such an exclusive lease, held or made by a third person.

No exclusive lease is granted if the parcel of land concerned is subject to a mining lease, a mining concession or an exclusive lease to mine surface mineral substances in favour of a third person or if an application for a mining lease has been filed in favour of a third person. Nor is such a lease granted if the parcel of land concerned is subject to a claim in favour of a third person, unless the lease applied for is only to mine a surface mineral substance referred to in paragraph 2 of section 64 and excluded from the exclusive right to explore for mineral substances granted to the holder under the claim.

The Minister may refuse an application for an exclusive lease where he considers it necessary to reserve the land in order to guarantee the supply required for the carrying out of a non-exclusive lease already granted or other non-exclusive leases which may be granted subsequently.

1987, c. 64, s. 142; 1990, c. 36, s. 4; 1999, c. 40, s. 178; 1998, c. 24, s. 64; 2013, c. 32, s. 64.

**142.0.1.** The Minister may refuse an application for a sand and gravel lease, in the public interest. The Minister may also refuse such an application in order to avoid conflicts with other uses of the territory.

2013, c. 32, s. 65.

**142.0.2.** The Minister may, at any time and in the public interest, terminate a lease to mine sand, gravel or stone. In such a case, the Minister shall grant the lease holder a lease in respect of another parcel of land. Failing that, the Minister shall compensate the holder for the loss suffered.

The Minister may reduce the leased area for the same reasons and subject to the same conditions.

2013, c. 32, s. 65.

**142.1.** No person may apply for an exclusive lease to mine surface mineral substances on a parcel of land that is subject to a claim the registration of which has been refused or to an abandoned, revoked, unrenewed or expired claim, before the lapse of the time fixed in the first paragraph of section 38.

However, in no case may the holder of the abandoned, revoked, unrenewed or expired claim or any person who had an interest therein, or any person whose application for the registration of a claim has been refused,

apply for an exclusive lease to mine surface mineral substances, on his own behalf, on the parcel of land that was subject thereto before an additional 30-day period.

For the purposes of the second paragraph, a natural person, the person's representatives and their employees or, in the case of a legal person, the legal person, its subsidiaries and their directors, executives, representatives and employees are deemed to constitute a single person.

Where the interested person withdraws a contestation relating to a refusal to register, a refusal to authorize work, a refusal to renew or a revocation, the period begins to run from the day a notice of discontinuance is filed in the office of the Court of Québec.

This section does not apply to an application for an exclusive lease to mine surface mineral substances that concerns only the mining of a surface mineral substance referred to in paragraph 2 of section 64 that is excluded from the exclusive right to explore for mineral substances granted to the holder under the claim.

1998, c. 24, s. 65; 2003, c. 15, s. 23; 2013, c. 32, s. 66; 2020, c. 12, s. 144.

**143.** A non-exclusive lease is not transferable.

1987, c. 64, s. 143.

**144.** The following sites and parcel of land may not be leased:

- (1) a parcel of land subject to an improvement provided for by regulation;
- (2) a parcel of land withdrawn from prospecting, mining exploration and mining operations;
- (3) a parcel of land regarding which a temporary suspension notice has been issued in accordance with section 304.1;
- (4) an outstanding geological site classified under section 305.1; and
- (5) a parcel of land used as a cemetery governed by the Funeral Operations Act (chapter A-5.02).

The Minister may refuse to grant a lease or may grant a lease subject to conditions and obligations which may concern, among other matters and despite this Act, the work required to be performed if the lease concerns a parcel of land

- (1) situated in an Indian reserve;
- (2) designated as a migratory bird sanctuary under the Migratory Birds Convention Act, 1994 (S.C. 1994, c. 22);
- (3) where the mineral substances referred to in section 6, except sand and gravel, are being mined or have been mined in the past; or
- (4) reserved to the State under section 304.

1987, c. 64, s. 144; 1988, c. 9, s. 31; 1998, c. 24, s. 66; 2013, c. 32, s. 67; 2016, c. 1, s. 132; I.N. 2019-01-15.

**145.** The parcel of land subject to an exclusive lease must be comprised within a single perimeter and its area, as determined by the Minister, must not exceed 100 hectares. However, in the case of an exclusive lease to produce peat, the area must not exceed 300 hectares.

Notwithstanding the first paragraph, the Minister, taking the projected rate of production and the capacity of the operation into account, may grant an exclusive lease to produce peat on a parcel of land of an area in excess of 300 hectares to guarantee a supply of peat for a period of approximately 50 years.

1987, c. 64, s. 145; 1990, c. 36, s. 5.

**146.** At the beginning of each year of the lease, the Minister may grant the lessee of an exclusive lease an increase in the area of the territory covered by the lease, provided

(1) the added land is contiguous to that territory;

(1.1) the lessee, in the case of sand, gravel, common clay or a mineral substance found in its natural state as a loose deposit, establishes to the satisfaction of the Minister that the increase is necessary in order to carry on an activity during the current term of his lease;

(2) the total area of the land is consistent with the requirements of section 145;

(3) the lessee has paid the fees prescribed by regulation and complied with the other provisions of this Act and the regulations.

1987, c. 64, s. 146; 1990, c. 36, s. 6; 1998, c. 24, s. 67.

**147.** A non-exclusive lease is effective from the date the registrar issues a certificate of registration of the lease. It ends on 31 March of the year that is one, two or three years after the year in which the lease began, at the applicant's choice.

The lease is renewed for one-, two- or three-year periods, at the lessee's choice, for a total term not exceeding 10 years from 31 March of the year following the year in which the certificate of registration of the lease is issued, provided that the lessee

(1) applies for renewal before the date of expiry of the lease;

(2) has paid the rental prescribed by regulation;

(3) has complied with this Act and the regulations throughout the term that is ending and, in particular, has made the reports required under section 155;

(4) has met any other renewal requirement prescribed by regulation.

However, the lease may not be renewed if, during the term of the preceding lease, the land concerned was subject to a mining lease in favour of a third person.

The Minister may extend the lease following the last renewal for one-year periods.

1987, c. 64, s. 147; 1990, c. 36, s. 7; 1998, c. 24, s. 68; 2013, c. 32, s. 68; 2023, c. 24, s. 140.

**148.** The term of an exclusive lease fixed by the Minister may not exceed 10 years. The Minister shall fix the term of the lease on the basis of the anticipated duration of the activities to which the application for extraction or mining pertains. However, the term of an exclusive lease to produce peat is 15 years.

The Minister shall renew an exclusive lease, no more than twice, for five-year periods, provided the lessee

(1) applies therefor 60 days or more before the expiry of the lease or, on payment of an additional amount prescribed by regulation, within 60 days before the expiry of the lease;

(2) has carried on mining operations for at least 1/5 of the term of his lease;



- (3) has paid the rental prescribed by regulation;
- (4) has complied with this Act and the regulations throughout the previous term of his lease;
- (5) has met any other renewal requirement prescribed by regulation.

Notwithstanding the foregoing, an exclusive lease for the production of peat shall be renewed for a period of 15 years.

After the second renewal of the lease, the Minister may grant 5-year extensions or, in the case of a peat lease, 15-year extensions.

Upon renewing an exclusive lease for the extraction or mining of sand, gravel, common clay or mineral substances found in their natural state as a loose deposit, the Minister may alter the area covered by the lease if he considers it necessary in order to reserve an area of land to guarantee the supply required for the purposes of non-exclusive leases which may be granted subsequently, provided the alteration does not, during the period of renewal of the exclusive lease, adversely affect the carrying on of the activity of the lessee under an exclusive lease.

The renewal shall be refused for the extraction or mining of sand, gravel, common clay or mineral substances found in their natural state as a loose deposit where the Minister is of opinion that the supply guarantee is no longer necessary for the carrying on of the activity to which the application for extraction or mining pertains.

1987, c. 64, s. 148; 1990, c. 36, s. 8; 1998, c. 24, s. 69; 2013, c. 32, s. 69.

**149.** The lessee has access to the parcel of land subject to his lease and he may extract or mine surface mineral substances thereon.

However, on land granted, alienated or leased by the State for purposes other than mining purposes, the rights referred to in the first paragraph may be exercised only as provided in section 235.

1987, c. 64, s. 149; 1999, c. 40, s. 178.

**150.** Any part of a watercourse with a natural force equal to or greater than 225 kilowatts at its ordinary flow during 6 months together with a strip of land 20 metres in width on each side of the watercourse shall be excluded from the lease and reserved to the State.

The Minister may add to the reserve any area he considers necessary for the development and utilization of the waterpower. Where such an addition is made after the granting of a lease on the land concerned, compensation shall be paid to the lessee.

Notwithstanding the foregoing, the Minister may, subject to certain conditions, authorize the lessee to extract or mine surface mineral substances on the reserved land.

1987, c. 64, s. 150; 1988, c. 53, s. 4; 1999, c. 40, s. 178.

**150.1.** Five percent of the area of any parcel of land subject to a lease to mine surface mineral substances is reserved to the State for public development purposes.

2013, c. 32, s. 70.

**151.** Sand, stone and gravel for the construction or maintenance of the works of the State may be extracted from lands forming part of the domain of the State without compensation to the lessee.

1987, c. 64, s. 151; 1999, c. 40, s. 178.

**151.1.** No exclusive lease may be granted in respect of land that is subject to one or several non-exclusive leases at the time the application is made, unless the person applying for the exclusive lease has, beforehand, reached an agreement with each lessee under a non-exclusive lease as to the amount of and the terms and conditions applicable to the compensation he is entitled to receive.

When an agreement has been reached with every lessee under a non-exclusive lease concerned, the Minister shall transmit to each lessee a notice informing him that, notwithstanding section 147, his lease expires 90 days after the date of the notice. The Minister shall grant the exclusive lease at the expiry of the period of 90 days.

Any dispute concerning the determination of the amount of and the terms and conditions applicable to the compensation shall be submitted to arbitration at the request of the person applying for the exclusive lease or of a lessee under a non-exclusive lease, in accordance with the provisions of Title II of Book VII of the Code of Civil Procedure (chapter C-25.01). The decision of the arbitrator shall have the effect of an agreement between the parties.

1990, c. 36, s. 9; I.N. 2016-01-01 (NCCP).

**152.** The lessee shall comply with the conditions of the lease prescribed by regulation and any other condition imposed on him by the Minister upon the granting of the lease, in the public interest or because of the existence of other mining rights in the land in respect of which the lease has been granted.

1987, c. 64, s. 152.

**153.** Every lessee under an exclusive lease shall commence his operations within the time indicated in the lease.

1987, c. 64, s. 153.

**154.** Every lessee shall keep detailed records of his operations including a copy of all documents relating to the alienation and shipment of extracted substances.

1987, c. 64, s. 154.

**155.** Not later than 15 April each year, the lessee shall transmit to the Minister a report covering the period from 1 April to 31 March preceding that date indicating the quantity of surface mineral substances extracted, its value, and the quantity of mineral substances alienated. The report must be submitted with the royalty fixed by regulation, where applicable.

The lessee shall transmit to the Minister, at the Minister's request and within the time fixed by the Minister, a monthly or quarterly report with the same information.

No royalties are payable on sand, gravel and stone extracted from a sand pit or quarry for the construction or maintenance, on lands in the domain of the State, of

(1) a mining road;

(2) a forest road, if it is used for forest development activities within the meaning of the Sustainable Forest Development Act (chapter A-18.1); however, royalties remain payable if the work is carried out pursuant to a forestry permit issued under section 73 of that Act for forest development activities other than the harvest of timber to supply a wood processing plant;

(3) a public highway constructed or maintained by the State, where the State holds a lease to mine surface mineral substances;

(4) all or part of a road with respect to which a municipality has obtained an authorization to see to maintenance and repair in accordance with section 66 of the Municipal Powers Act (chapter C-47.1); or

(5) a road, by a non-profit organization determined by the Minister.

1987, c. 64, s. 155; 1999, c. 40, s. 178; 1998, c. 24, s. 70; 2001, c. 6, s. 144; 2010, c. 3, s. 300; 2013, c. 32, s. 71; 2015, c. 23, s. 49; 2021, c. 35, s. 59.

**156.** The lessee under an exclusive lease may abandon his right in all or part of the parcel of land that is subject to his lease, provided that

(1) he applies therefor in writing and that, following the application the Minister has notified all creditors having registered an instrument referred to in paragraph 3 of section 13 in the public register of real and immovable mining rights;

(2) the residual area, in the case of partial abandonment, is comprised within a single perimeter;

(3) he has obtained the authorization of the Minister who shall grant his authorization after obtaining a favourable opinion from the Minister of Sustainable Development, Environment and Parks and not before 30 days from the date of transmission of the notice provided for in paragraph 1;

(4) he has complied with the other provisions of this Act and the regulations.

1987, c. 64, s. 156; 1994, c. 17, s. 75; 1999, c. 36, s. 158; 2006, c. 3, s. 35; 2013, c. 32, s. 72.

## DIVISION IX

*Repealed, 2016, c. 35, s. 23.*

1987, c. 64, Div. IX; 2016, c. 35, s. 23.

**157.** *(Repealed).*

1987, c. 64, s. 157; 1998, c. 24, s. 71; 2016, c. 35, s. 23.

**158.** *(Repealed).*

1987, c. 64, s. 158; 1998, c. 24, s. 72; 2016, c. 35, s. 23.

**159.** *(Repealed).*

1987, c. 64, s. 159; 1988, c. 9, s. 32; 2016, c. 35, s. 23.

## DIVISION X

*Repealed, 2016, c. 35, s. 23.*

1987, c. 64, Div. X; 2016, c. 35, s. 23.

**160.** *(Repealed).*

1987, c. 64, s. 160; 1998, c. 24, s. 73; 2016, c. 35, s. 23.

**161.** *(Repealed).*

1987, c. 64, s. 161; 1998, c. 24, s. 74; 2016, c. 35, s. 23.

**162.** *(Repealed).*

1987, c. 64, s. 162; 2016, c. 35, s. 23.

**163.** *(Repealed).*

1987, c. 64, s. 163; 1988, c. 9, s. 33; 2016, c. 35, s. 23.

**164.** *(Repealed).*

1987, c. 64, s. 164; 1988, c. 9, s. 34; 1994, c. 17, s. 75; 1999, c. 36, s. 158; 1998, c. 24, s. 75; 2000, c. 42, s. 187; 2006, c. 3, s. 35; 1998, c. 24, s. 75; 2013, c. 16, s. 10; 2016, c. 35, s. 23.

**DIVISION XI**

*Repealed, 2016, c. 35, s. 23.*

1987, c. 64, Div. XI; 1998, c. 24, s. 76; 2016, c. 35, s. 23.

**165.** *(Repealed).*

1987, c. 64, s. 165; 1998, c. 24, s. 77; 2013, c. 16, s. 11; 2016, c. 35, s. 23.

**166.** *(Repealed).*

1987, c. 64, s. 166; 1998, c. 24, s. 78; 2013, c. 16, s. 12; 2016, c. 35, s. 23.

**166.1.** *(Repealed).*

1998, c. 24, s. 79; 2013, c. 16, s. 13.

**167.** *(Repealed).*

1987, c. 64, s. 167; 1998, c. 24, s. 80.

**168.** *(Repealed).*

1987, c. 64, s. 168; 2013, c. 16, s. 21; 2016, c. 35, s. 23.

**169.** *(Repealed).*

1987, c. 64, s. 169; 1998, c. 24, s. 81; 2016, c. 35, s. 23.

**169.1.** *(Repealed).*

1998, c. 24, s. 82; 2016, c. 35, s. 23.

**169.2.** *(Repealed).*

1998, c. 24, s. 82; 2016, c. 35, s. 23.

**170.** *(Repealed).*

1987, c. 64, s. 170; 1999, c. 40, s. 178; 2016, c. 35, s. 23.

**171.** *(Repealed).*

1987, c. 64, s. 171; 1998, c. 24, s. 83; 2013, c. 16, s. 14.

**172.** *(Repealed).*

1987, c. 64, s. 172; 2016, c. 35, s. 23.

**173.** *(Repealed).*

1987, c. 64, s. 173; 1998, c. 24, s. 84; 2016, c. 35, s. 23.

**174.** *(Repealed).*

1987, c. 64, s. 174; 1998, c. 24, s. 85; 2016, c. 35, s. 23.

**175.** *(Repealed).*

1987, c. 64, s. 175; 1988, c. 9, s. 35; 1998, c. 24, s. 86; 2016, c. 35, s. 23.

**176.** *(Repealed).*

1987, c. 64, s. 176; 1998, c. 24, s. 87; 2016, c. 35, s. 23.

**177.** *(Repealed).*

1987, c. 64, s. 177; 1998, c. 24, s. 88; 2016, c. 35, s. 23.

**178.** *(Repealed).*

1987, c. 64, s. 178; 2016, c. 35, s. 23.

**179.** *(Repealed).*

1987, c. 64, s. 179; 2016, c. 35, s. 23.

**180.** *(Repealed).*

1987, c. 64, s. 180; 1998, c. 24, s. 89; 2016, c. 35, s. 23.

**181.** *(Repealed).*

1987, c. 64, s. 181; 2012, c. 11, s. 33; 2016, c. 35, s. 23.

**182.** *(Repealed).*

1987, c. 64, s. 182; 2016, c. 35, s. 23.

**183.** *(Repealed).*

1987, c. 64, s. 183; 2016, c. 35, s. 23.

**184.** *(Repealed).*

1987, c. 64, s. 184; 1988, c. 9, s. 36; 2016, c. 35, s. 23.

**DIVISION XII**

*Repealed, 2016, c. 35, s. 23.*

1987, c. 64, Div. XII; 2016, c. 35, s. 23.

**185.** *(Repealed).*

1987, c. 64, s. 185; 2016, c. 35, s. 23.

**186.** *(Repealed).*

1987, c. 64, s. 186; 1998, c. 24, s. 90; 2016, c. 35, s. 23.

**187.** *(Repealed).*

1987, c. 64, s. 187; 2016, c. 35, s. 23.

**188.** *(Repealed).*

1987, c. 64, s. 188; 2016, c. 35, s. 23.

**189.** *(Repealed).*

1987, c. 64, s. 189; 2016, c. 35, s. 23.

**190.** *(Repealed).*

1987, c. 64, s. 190; 1998, c. 24, s. 91; 2016, c. 35, s. 23.

**191.** *(Repealed).*

1987, c. 64, s. 191; 2016, c. 35, s. 23.

**192.** *(Repealed).*

1987, c. 64, s. 192; 1988, c. 9, s. 37; 2016, c. 35, s. 23.

**DIVISION XIII**

*Repealed, 2016, c. 35, s. 23.*

1987, c. 64, Div. XIII; 1998, c. 24, s. 92; 2016, c. 35, s. 23.

**193.** *(Repealed).*

1987, c. 64, s. 193; 1998, c. 24, s. 93; 2016, c. 35, s. 23.

**194.** *(Repealed).*

1987, c. 64, s. 194; 1998, c. 24, s. 94; 2013, c. 16, s. 15; 2016, c. 35, s. 23.

**194.0.1.** *(Repealed).*

2013, c. 16, s. 15; 2016, c. 35, s. 23.

**194.1.** *(Repealed).*

1998, c. 24, s. 95; 1999, c. 40, s. 178; 2016, c. 35, s. 23.

**194.2.** *(Repealed).*

1998, c. 24, s. 95; I.N. 2016-01-01 (NCCP); 2016, c. 35, s. 23.

**195.** *(Repealed).*

1987, c. 64, s. 195; 1998, c. 24, s. 96; 2013, c. 16, s. 21; 2016, c. 35, s. 23.

**196.** *(Repealed).*

1987, c. 64, s. 196; 2013, c. 16, s. 21; 2016, c. 35, s. 23.

**197.** *(Repealed).*

1987, c. 64, s. 197; 2016, c. 35, s. 23.

**198.** *(Repealed).*

1987, c. 64, s. 198; 1998, c. 24, s. 97; 2016, c. 35, s. 23.

**199.** *(Repealed).*

1987, c. 64, s. 199; 2016, c. 35, s. 23.

**200.** *(Repealed).*

1987, c. 64, s. 200; 1999, c. 40, s. 178; 2016, c. 35, s. 23.

**201.** *(Repealed).*

1987, c. 64, s. 201; 1998, c. 24, s. 98; 2013, c. 16, s. 16.

**202.** *(Repealed).*

1987, c. 64, s. 202; 1998, c. 24, s. 99; 2016, c. 35, s. 23.

**203.** *(Repealed).*

1987, c. 64, s. 203; 1998, c. 24, s. 100; 2016, c. 35, s. 23.

**204.** *(Repealed).*

1987, c. 64, s. 204; 1998, c. 24, s. 101; 2016, c. 35, s. 23.

**205.** *(Repealed).*

1987, c. 64, s. 205; 2016, c. 35, s. 23.

**206.** *(Repealed).*

1987, c. 64, s. 206; 1988, c. 9, s. 38; 1994, c. 17, s. 75; 1999, c. 36, s. 158; 2006, c. 3, s. 35; 1998, c. 24, s. 102; 2013, c. 16, s. 21; 2016, c. 35, s. 23.

## **DIVISION XIV**

### **PROVISIONS APPLICABLE TO THE HOLDER OF A MINING RIGHT**

**207.** A map designation notice, an application for a lease or for an authorization under section 33, a report or an application relating to work required under this Act or an application for the renewal or conversion of mining rights is deemed to have been sent, filed or received on the date it is received at the office of the registrar.

Map designation notices or applications for a lease or an authorization under section 33 are admitted according to the order in which they are received at the office of the registrar.

Applications for a lease or authorization under section 33, where they relate to the same parcel of land and are received on the same day, shall be admitted in the order established by a drawing of lots. Map designation notices for which the order of receipt cannot be determined in accordance with the preceding paragraph shall also be admitted in the order established by a drawing of lots. Every person who intends to take part in the drawing of lots must, beforehand, pay the duties fixed by regulation and comply with the conditions for participation prescribed by regulation.

1987, c. 64, s. 207; 1988, c. 9, s. 39; 1990, c. 36, s. 10; 1998, c. 24, s. 103; 2003, c. 15, s. 24; 2013, c. 16, s. 17; 2013, c. 32, s. 73; 2021, c. 35, s. 60.

**207.1.** *(Repealed).*

1998, c. 24, s. 103; 2013, c. 32, s. 74.

**208.** Every parcel of land subject to a mining right is limited on the surface by its perimeter, and in depth by the vertical projection of its perimeter.

1987, c. 64, s. 208.

**209.** The holder of a mining right shall assume, with respect to the parcel of land that is subject to his right, any costs incurred for surveying, the determination or demarcation of boundaries and topographical surveys by means of aerial photography or otherwise.

The documents, reports and minutes relating to such operations shall be transmitted to the Minister with diligence after they are conducted.

1987, c. 64, s. 209.

**210.** Any survey required by the Minister or prescribed by this Act or the regulations to establish the boundaries and official description of a parcel of land subject to a mining right shall be carried out by a land surveyor.

The surveyor shall comply with the surveying standards prescribed by regulation and act according to the instructions of the Minister.

1987, c. 64, s. 210; 1988, c. 9, s. 40.

**211.** Where a person is in illegal possession of any parcel of land that is subject to a mining right on land of the domain of the State refuses to relinquish possession, the Minister, or the holder of a right to engage in mining or production, may apply to a judge of the Superior Court for an order in the form of an eviction order.

In such a case, sections 60 to 62 of the Act respecting lands in the domain of the State (chapter T-8.1) apply, adapted as required.

1987, c. 64, s. 211; 1999, c. 40, s. 178; I.N. 2016-01-01 (NCCP).

**212.** A holder of a mining right may not claim compensation from another holder of a mining right for the deposit of mine tailings on the parcel of land subject to the former's right, except in the case of a mining lease or a mining concession.

1987, c. 64, s. 212; 2013, c. 32, s. 75.

**213.** The holder of a mining right may, in order to construct buildings or perform any other operation required for his mining activities, cut timber forming part of the domain of the State on the parcel of land that is subject to his right, in accordance with the rules set forth in the Sustainable Forest Development Act (chapter A-18.1) and the regulations.



However, the rules referred to above do not apply to a person who effects line cutting not exceeding one metre in width.

Similarly, except in the case of a strip of woodland established for the protection of lakes, watercourses, riparian areas and wetlands by government regulation under section 38 of the Sustainable Forest Development Act, the rules apply neither to a person cutting trenches or performing other excavations nor to a person carrying out drilling work, provided he has obtained prior authorization from the Minister responsible for the administration of that Act and complies with the following conditions:

(1) the total area of the trenches or other excavations, added, as the case may be, to the total area of excavations already carried out by another holder of a mining right, shall not exceed 2% of the wooded area of the parcel of land in question;

(2) the area affected by the cutting of timber, which is required for drilling work, added, as the case may be, to the area affected by cutting already carried out by another holder of a mining right on the same conditions, shall not exceed 2% of the wooded area of the parcel of land in question.

The said Minister may make his authorization subject to such other conditions and obligations as he may establish jointly with the Minister responsible for the administration of this Act.

Notwithstanding the foregoing, in any area classified as an exceptional forest ecosystem under the Sustainable Forest Development Act, the holder of the mining right must follow the rules set forth in that Act.

1987, c. 64, s. 213; 1988, c. 9, s. 41; 1999, c. 40, s. 178; 2001, c. 6, s. 145; 2010, c. 3, s. 301; 2021, c. 35, s. 61.

**213.1.** The holder of mining rights who obtains an authorization under section 213 shall scale the harvested timber in accordance with section 70 of the Sustainable Forest Development Act (chapter A-18.1) and pay the same duties as those applicable to the holder of a forestry permit issued under subparagraph 4 of the first paragraph of section 73 of that Act.

1988, c. 73, s. 74; 2001, c. 6, s. 146; 2010, c. 3, s. 302.

**213.2.** *(Repealed).*

1991, c. 23, s. 3; 2001, c. 6, s. 147; 2013, c. 32, s. 77.

**213.3.** *(Repealed).*

1998, c. 24, s. 104; 2013, c. 32, s. 77.

**214.** In the event of the death of the holder of a mining right and on the application of his successors received before the expiry date of the mining right, the Minister may extend the term of the right for one year and suspend for that year the obligations entailed by the right.

1987, c. 64, s. 214.

**215.** The documents and information obtained by the Minister from holders of mining rights for the purposes of this Act are public. The Minister makes such documents and information public in the manner the Minister sees fit.

However, the work reports required under section 72 involving amounts beyond the allowances that may be claimed under the Mining Tax Act (chapter I-0.4) remain confidential for five years after the date of the work.

The following are made public once a year for each mine and for each lease to mine surface mineral substances:

- (1) the quantity and value of the ore extracted during the previous year;
- (2) the royalties paid during the previous year; and
- (3) the overall contributions paid by the holder.

The following are also made public:

- (1) the rehabilitation and restoration plan approved by the Minister; and
- (2) the total amount of the financial guarantee required.

This section applies subject to the restrictions on rights of access prescribed by section 28 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

1987, c. 64, s. 215; 1988, c. 9, s. 42; 1990, c. 36, s. 11; 2013, c. 32, s. 78; 2015, c. 8, s. 70; 2015, c. 23, s. 50.

**216.** Within 30 days after the abandonment, revocation or expiry of his right, the holder of a claim shall remove all his property from the parcel of land that was subject to his right.

Subject to the first paragraph of section 123, the holder of a mining lease or mining concession shall, within one year after the abandonment, revocation or expiry of his right, remove all his property and any extracted ore from the parcel of land that was subject to his right. On written application, the Minister may grant him an extension subject to the conditions he determines.

Before the date of abandonment, revocation or expiry of the lease, the holder of a lease to mine surface mineral substances shall remove all the property and any extracted surface mineral substances from the parcel of land subject to the lease.

Once the time is expired, the property and mineral substances remaining on land of the domain of the State shall, of right, form part of the domain of the State and may be removed by the Minister at the expense of the holder of the mining right.

1987, c. 64, s. 216; 1999, c. 40, s. 178; 2013, c. 32, s. 79.

**216.1.** All the documents required for the purposes of this Act and the regulations must be submitted in the formats determined by the Minister. The documents must be sent in the manner prescribed and to the place specified by the Minister, as applicable.

Those rules apply, in particular, to the data necessary for showing, in the public register of real and immovable mining rights, the territories identified as mining-incompatible under section 304.1.1.

2013, c. 32, s. 80.

## CHAPTER IV

### GENERAL PROVISIONS GOVERNING PERSONS CARRYING ON MINING ACTIVITIES

#### DIVISION I

##### APPLICATION AND INTERPRETATION

**217.** This chapter applies to the mineral substances referred to in section 18 and to mineral substances that are not part of the domain of the State.

1987, c. 64, s. 217; 1999, c. 40, s. 178; 2016, c. 35, s. 23.

**218.** In this chapter,

“**operator**” means any person who, as owner, lessee or occupant of a mine, performs or directs mining operations, or causes them to be performed or directed;

“**mine**” means any opening or excavation made for the purpose of searching for or mining mineral substances, passageways, works, machinery, plants, buildings and furnaces below or above ground and forming part of a mining operation.

1987, c. 64, s. 218; 1988, c. 9, s. 43; 2016, c. 35, s. 23.

## **DIVISION II**

### **NOTICES, REPORTS, PLANS, REGISTERS, OTHER DOCUMENTS AND ROYALTIES**

1990, c. 36, s. 12.

**219.** The holder of a mining right or, as the case may be, the operator is required to notify the Minister in writing within 15 days of any change of operator or of firm name or address.

1987, c. 64, s. 219.

**220.** The operator shall transmit to the Minister, at his request, any plan or document required for further information on deposits and working of deposits, and any report on exploration work performed during the year and the results of the work.

1987, c. 64, s. 220.

**221.** Every operator, every person engaged in exploration for or extraction or processing of mineral substances and every contractor engaged in mining operations shall forward to the Minister, before 31 October each year, a preliminary report for the current year and a forecast for the following year showing

- (1) the expenses made or anticipated for exploration;
- (2) the sums allocated or to be allocated for capital expenditures and repairs;
- (3) the nature and cost of the rehabilitation and restoration work performed or to be performed.

The operator or the person who processes mineral substances and the contractor shall also indicate in his report the quantity and value of the production.

Despite the first paragraph of section 215, the information in the report is not made public and may only be used for statistical purposes.

1987, c. 64, s. 221; 1990, c. 36, s. 13; 2003, c. 15, s. 25; 2015, c. 8, s. 71.

**222.** Every operator and every person engaged in exploration for or extraction or processing of mineral substances and every contractor engaged in mining operations shall transmit to the Minister, not later than 31 March each year, a report of activities for the preceding year showing

- (1) the nature of the work and the sums spent on exploration;
- (2) the sums allocated for capital expenditures and repairs;
- (3) the current state of ore reserves;
- (4) the quantity and value of their production;

- (5) the number of employees;
- (6) the expenses entailed by mining activities;
- (7) any other information the Minister may request.

At the request of the Minister, they shall transmit a monthly or quarterly report of activities within 30 days after the end of the period referred to in the report.

Every enterprise which provides mining services shall forward the report described in the first paragraph to the Minister, at his request.

In the event of the bankruptcy or winding-up of an enterprise, the trustee or liquidator shall transmit the report to the Minister at his request.

Despite the first paragraph of section 215, the information in the report is not made public and may only be used for statistical purposes.

1987, c. 64, s. 222; 2003, c. 15, s. 26; 2005, c. 45, s. 4; 2015, c. 8, s. 72.

**223.** The operator shall, every five years, forward to the Minister the plans prescribed by regulation. The plans must be signed by an engineer.

The Minister may require that the operator provide him, within the time fixed by the Minister, with the plans prescribed by regulation.

Whenever amendments to the plans are justified by changes in the mining activities, the operator must forward the plans to the Minister within the time provided for by regulation.

1987, c. 64, s. 223; 2021, c. 35, s. 62.

**223.1.** Sections 154 and 155, adapted as required, apply to every operator or person engaged in the extraction or mining, for commercial purposes, of surface mineral substances forming part of the domain of the State.

1990, c. 36, s. 14; 1999, c. 40, s. 178.

**224.** The holder of mining rights who performs underground exploration work and the operator shall, before commencing mining operations or resuming them after a suspension of six months or more, transmit to the Minister a written notice in compliance with the standards prescribed by regulation.

1987, c. 64, s. 224.

**225.** The holder of mining rights and the operator shall keep up to date plans and registers relating to the work as prescribed by regulation.

The holder of mining rights who performs any other exploration work shall keep an up to date record of excavations and drilling in accordance with the regulations.

1987, c. 64, s. 225; 2013, c. 32, s. 81.

**226.** Where mining operations are suspended for six months or more, the holder of a mining right who performs underground exploration work and the operator shall, at least 10 days before the beginning of the suspension, transmit to the Minister and the Minister of Sustainable Development, Environment and Parks a written notice informing them of the suspension of operations and, within four months from the beginning of the suspension, a copy, certified by an engineer or a geologist, of the plans of the underground works, surface mines, ground facilities, and tailing dumps existing on the date of cessation of the work.

They shall also transmit the plans, records and reports prescribed by regulation.

In the event of a strike or lock-out, the notice required under the first paragraph must be sent within four months after the beginning of the strike or lock-out.

1987, c. 64, s. 226; 1998, c. 24, s. 105; 2001, c. 12, s. 16; 2013, c. 32, s. 82.

**227.** *(Repealed).*

1987, c. 64, s. 227; 2016, c. 35, s. 23.

**228.** *(Repealed).*

1987, c. 64, s. 228; 1999, c. 40, s. 178; 2013, c. 32, s. 83.

**229.** *(Repealed).*

1987, c. 64, s. 229; 2013, c. 32, s. 83.

**DIVISION III**

**PROTECTIVE MEASURES AND REHABILITATION AND RESTORATION MEASURES**

1991, c. 23, s. 4.

**230.** *(Repealed).*

1987, c. 64, s. 230; 2016, c. 35, s. 23.

**231.** In addition to the protective measures necessary to prevent any damage and the safety measures prescribed by regulation, the Minister may, if mining activities are temporarily or permanently discontinued, order the holder of a mining right or the operator to take any measure imposed by the Minister.

The Minister may cause the work to be done at the expense of a holder of a mining right or operator who fails to comply with the Minister's orders or the regulatory prescriptions.

The first paragraph does not apply in the case of a strike, lock-out, cessation of underground exploration or operation of a mine for a period of less than six months.

1987, c. 64, s. 231; 2013, c. 32, s. 84.

**232.** *(Repealed).*

1987, c. 64, s. 232; 1991, c. 23, s. 5; 2001, c. 6, s. 148; 2013, c. 32, s. 85.

**232.1.** The following persons must submit a rehabilitation and restoration plan to the Minister for approval and carry out the work provided for in the plan:

(1) every holder of mining rights who engages in exploration work determined by regulation or agrees that such work be carried out on the land subject to his mining rights;

(2) every operator who engages in mining operations determined by regulation in respect of mineral substances listed in the regulations;

(3) every person who operates a concentration plant in respect of such substances;

(4) every person who engages in mining operations determined by regulation in respect of tailings.

The obligation shall subsist until the work is completed or until a certificate is issued by the Minister under section 232.10.

1991, c. 23, s. 6; 2013, c. 32, s. 86.

**232.2.** The rehabilitation and restoration plan submitted by a person identified in section 232.1, other than an applicant for a mining lease, must be approved by the Minister before mining activities begin.

1991, c. 23, s. 6; 2013, c. 32, s. 87.

**232.3.** The rehabilitation and restoration plan shall contain, in particular,

(1) the description of the rehabilitation and restoration work relating to the mining activities carried on by the person submitting the plan and intended to restore the affected land to a satisfactory condition; if tailings are present on the site, the required work shall include containment work and, if required, the work necessary for putting in place, operating and maintaining the infrastructure needed to prevent any environmental damage that might be caused by the presence of tailings;

(2) if progressive rehabilitation and restoration work is possible, the conditions and phases of completion of the work;

(3) the conditions and phases of completion of the work in the event of final cessation of mining activities;

(4) a detailed estimate of the expected costs to be incurred for completing the work;

(5) in the case of an open-pit mine, a backfill feasibility study.

1991, c. 23, s. 6; 2013, c. 32, s. 88.

**232.4.** A person identified in section 232.1 must furnish a guarantee covering the anticipated cost of completing the work required under the rehabilitation and restoration plan to the extent provided for in this Act and in accordance with the standards established by regulation.

Such work must include

(1) the rehabilitation and restoration of accumulation areas;

(2) geotechnical soil stabilization;

(3) the securing of openings and surface pillars;

(4) water treatment; and

(5) road-related work.

Where property or a sum of money serves as guarantee, the property or money is exempt from seizure.

1991, c. 23, s. 6; 2013, c. 32, s. 89.

**232.5.** The Minister may subject the approval of a rehabilitation and restoration plan to other conditions and obligations that he shall determine and include in the plan, in particular, advance payment of all or part of the guarantee; the Minister shall approve the plan after obtaining a favourable opinion from the Minister of Sustainable Development, Environment and Parks.

Every person to whom section 232.1 applies must at the request of and within the time limit fixed by the Minister provide him with any additional information, research findings or study he considers he needs to grant his approval.

1991, c. 23, s. 6; 1994, c. 17, s. 75; 1999, c. 36, s. 158; 2006, c. 3, s. 35; 2013, c. 32, s. 90.

**232.6.** Every person whose plan has been approved shall submit a revised plan to the Minister for approval

- (1) every 5 years, unless a shorter period is fixed by the Minister on approving the plan or revised plan;
- (2) whenever amendments to the plan are justified by changes in the mining activities;
- (3) whenever he intends to amend the plan;
- (4) whenever the Minister has seen fit to request a revision.

Section 232.5, adapted as required, applies to a revised plan.

1991, c. 23, s. 6.

**232.7.** The Minister may increase the amount of the guarantee where he considers that it is no longer sufficient or reduce it to make it consistent with the foreseeable costs of carrying out the rehabilitation and restoration plan.

Every person referred to in section 232.1 whose amount of guarantee has been increased must furnish any additional guarantee required pursuant to the revision, within the time fixed by the Minister.

The Minister may also require the payment of the total guarantee if, in the Minister's opinion, the financial situation of the person described in section 232.1 or a reduction in the anticipated duration of the person's activities may prevent the payment of all or part of the guarantee.

1991, c. 23, s. 6; 2003, c. 15, s. 27.

**232.7.1.** Rehabilitation and restoration work must begin within three years after operations cease. However, the Minister may exceptionally require that the work begin within a shorter period, or authorize one or more extensions. The first extension may not exceed three years and additional extensions may not exceed one year.

2013, c. 32, s. 91.

**232.8.** If a person fails to perform any of his obligations under sections 232.1 to 232.7, the Minister may enjoin him to do so within the time he fixes.

If the person concerned fails to comply with the prescriptions of the Minister within the time fixed, the Minister may, in addition to any other civil, administrative or penal sanction, cause the work required by the rehabilitation and restoration plan or, failing such a plan, the work he considers necessary in the circumstances, to be performed at that person's expense. He may, in particular, recover the cost of the work out of the guarantee furnished.

1991, c. 23, s. 6.

**232.9.** Any sum owing to the State under section 230, 231, 232 or 232.8 gives rise to a legal hypothec of the State on all the property of the debtor.

1991, c. 23, s. 6; 1992, c. 57, s. 612; 1999, c. 40, s. 178.

**232.10.** The Minister may release any person from his obligations under sections 232.1 to 232.7 and issue to him a certificate to that effect,

(1) if the Minister is satisfied that the rehabilitation and restoration work has been completed in accordance with the rehabilitation and restoration plan approved by the Minister, and if no sum of money is due to the Minister with respect to the performance of the work; and

(2) if the Minister is satisfied that the condition of the land affected by the mining activities no longer poses a risk for the environment or for human health and safety and, in particular, poses no risk of acid mine drainage.

The Minister may also release a person from the obligations set out in sections 232.1 to 232.7 and issue a certificate to that effect if the Minister agrees to let a third person assume the obligations.

The Minister shall issue the certificate after obtaining a favourable opinion from the Minister of Sustainable Development, Environment and Parks.

1991, c. 23, s. 6; 2013, c. 32, s. 92.

**232.11.** The Minister may, if applicable, with the consent of the person referred to in the second paragraph of section 7, enjoin a person who, before 9 March 1995, carried out work or operations referred to in subparagraph 1, 2 or 3 of the first paragraph of section 232.1 and who is not covered by that section, to submit, within the time indicated by the Minister, a rehabilitation and restoration plan for the land affected by tailings, in accordance with the requirements of section 232.3, to the extent that the tailings result from the person's activities, and to perform the rehabilitation and restoration work required by the presence of the tailings. The Minister shall prescribe the nature of the work and the time within which it must be carried out, after consultation with the Minister of Sustainable Development, Environment and Parks.

If the person concerned fails to comply with the prescriptions of the Minister within the time fixed, the Minister may cause the plan to be prepared or the work to be performed at that person's expense.

The second paragraph of section 232.5 and sections 232.9 and 232.10, adapted as required, apply for the purposes of this section.

1991, c. 23, s. 6; 1994, c. 17, s. 75; 1999, c. 36, s. 158; 2003, c. 15, s. 28; 2006, c. 3, s. 35.

**232.12.** Nothing in sections 232.1 to 232.11 shall affect or restrict the application of the Environment Quality Act (chapter Q-2).

1991, c. 23, s. 6.

**233.** No person may move, disturb or damage a facility erected under this division, unless he has the authorization in writing of the owner of the mine and of the Minister.

1987, c. 64, s. 233; 2013, c. 32, s. 93.

**233.1.** A person specially or generally authorized by the Minister to carry out work related to protective measures or rehabilitation and restoration work may enter, at any reasonable time, any place where an activity governed by this Act or the regulations is carried on.

2013, c. 32, s. 94.



## DIVISION IV

### OPTIMUM RECOVERY OF A MINERAL SUBSTANCE

**234.** In order to ensure that every operator recovers, according to recognized mining practices, the economically workable mineral substance that is the subject of his mining operations, the Minister may

- (1) require him to transmit a report justifying the mining method used;
- (2) carry out a study to evaluate the method used;
- (3) require him to take, within the time the Minister determines, any measures necessary to remedy any situation that would compromise the optimum recovery of the mineral substance.

In the case of the study referred to in subparagraph 2, the Minister may, subject to the conditions he determines, give a mandate to a committee composed of three persons including two mining specialists who are not part of the public service, to conduct the study.

The committee shall remit a report recommending, as the case may be, measures to remedy any situation that compromises the optimum recovery of the mineral substance.

If the operator fails to comply with his requirements, the Minister may order the suspension of operations for the period he determines.

1987, c. 64, s. 234; 1988, c. 9, s. 44.

## DIVISION V

### EXPROPRIATION AND COMPENSATION

**235.** On lands granted, alienated or leased by the State for purposes other than mining purposes or on lands subject to an exclusive lease to mine surface mineral substances, the holder of a mining right or the owner of mineral substances must obtain a written authorization at least 30 days in advance in order to access the site or may acquire, by agreement, any real right or property allowing the holder to access the site or conduct exploration work or mining operations.

If no agreement is reached to that end, the holder of a mining right or the owner of mineral substances may, for the purpose of conducting mining operations, acquire the property mentioned in the first paragraph by expropriation.

Cemeteries governed by the Funeral Operations Act (chapter A-5.02) and Native cemeteries are exempt from expropriation.

The holder of a mining right who intends to acquire a residential immovable, or an immovable used for agricultural purposes and situated on farm land within the meaning of the Act respecting the acquisition of farm land by non-residents (chapter A-4.1), must pay the costs of the professional services required to negotiate the agreement, up to a maximum amount representing 10% of the value of the immovable as entered on the property assessment roll.

In no case may a residential immovable be moved or demolished before a mining lease is issued.

1987, c. 64, s. 235; 1999, c. 40, s. 178; 1998, c. 24, s. 106; 2013, c. 32, s. 95; 2016, c. 1, s. 133.

**236.** *(Repealed).*

1987, c. 64, s. 236; 1999, c. 40, s. 178; 1998, c. 24, s. 107; 2013, c. 32, s. 96.

## DIVISION VI

*Repealed, 2013, c. 32, s. 96.*

2013, c. 32, s. 96.

### **237.** *(Repealed).*

1987, c. 64, s. 237; 2013, c. 32, s. 96.

### **238.** *(Repealed).*

1987, c. 64, s. 238; 2013, c. 32, s. 96.

## DIVISION VII

### SITES FOR MINING INFRASTRUCTURES

**239.** The holder of mining rights or the owner of mineral substances may, in accordance with the Act respecting the lands in the domain of the State (chapter T-8.1), obtain that public lands be transferred or leased to him to establish a storage site for tailings, or a site for mills, shops or facilities necessary for mining activities.

1987, c. 64, s. 239; 1988, c. 9, s. 45; 1999, c. 40, s. 178.

**240.** Any person who intends to operate a mill for the preparation of mineral substances, a concentration plant, a refinery or a smelter shall, before commencing operations, have the site approved by the Minister or, where the project is subject to the environmental impact assessment and review procedure provided for in subdivision 4 of Division II of Chapter IV of Title I of the Environment Quality Act (chapter Q-2), by the Government.

1987, c. 64, s. 240; 1998, c. 24, s. 108; 2017, c. 4, s. 250.

**241.** Every person responsible for the management of a concentration plant, refinery or smelter shall, before commencing activities, have the site intended as a storage yard for tailings approved by the Minister. The same applies to every holder of a mining right, owner of mineral substances or operator who intends to establish a mine tailings site.

He shall, for that purpose, transmit the documents prescribed by regulation to the Minister.

1987, c. 64, s. 241; 1998, c. 24, s. 109.

## DIVISION VIII

### MINING ROADS

**242.** The Minister of Transport, with the authorization of the Government, may construct, improve or maintain any mining road to facilitate the carrying on of any mining activity. The Minister may cause the work to be done or have the owners of mineral substances or holders of mining rights at whose request the work is done pay part of the costs.

On lands of the domain of the State, the work shall be done without compensation, in particular, to holders of mining rights. On lands of the private domain, the work shall be done only after the property necessary to carry out the proposed works has been acquired by agreement or expropriation.

1987, c. 64, s. 242; 1988, c. 9, s. 46; 1999, c. 40, s. 178.

**243.** Roads, bridges or other structures are mining roads from the time they are laid out until they are closed.

1987, c. 64, s. 243; 1999, c. 40, s. 178.

**244.** The Minister of Transport shall forward the plan of proposed mining roads on lands of the domain of the State to the Minister of Natural Resources and Wildlife and, where such is the case, give notice thereof to any holder of forestry rights provided for in the Sustainable Forest Development Act (chapter A-18.1).

1987, c. 64, s. 244; 1990, c. 64, s. 32; 1994, c. 13, s. 15, s. 16; 1999, c. 40, s. 178; 2003, c. 8, s. 6; 2006, c. 3, s. 35; 2010, c. 3, s. 303.

**245.** The Minister of Transport may, without being required to pay compensation, in particular to the holder of mining rights, take from the right of way of mining roads and their vicinity the timber, earth, stone, gravel, sand and clay necessary for the construction, alteration or maintenance thereof and cut down all the trees within a distance of 10 metres on either side of the right of way.

On lands of the private domain, the Minister shall not take the materials referred to in the first paragraph except after acquiring, by agreement or expropriation, the land containing them or a temporary right of way on any land between the mining road and a watercourse or between the mining road and the place from which the materials are taken.

On lands of the domain of the State, the Minister of Transport shall not cut timber except with the authorization of the Minister of Natural Resources and Wildlife and subject to the conditions he determines.

1987, c. 64, s. 245; 1990, c. 64, s. 24; 1994, c. 13, s. 16; 1999, c. 40, s. 178; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

**246.** The Minister of Transport may, after obtaining a favourable opinion from the Minister of Natural Resources and subject to certain conditions, restrict or prohibit access to a mining road.

The Minister may also exempt a mining road from the provisions respecting highway traffic or safety in the Highway Safety Code (chapter C-24.2).

1987, c. 64, s. 246; 1986, c. 91, s. 655; 2013, c. 32, s. 97.

**247.** The Minister of Transport may, with the authorization of the Government, close or change the location of all or part of a mining road. He may also, with the authorization of the Government, declare that a mining road is no longer a mining road. A road that is closed, whose location has been changed or that has been declassified may be transferred by the Minister in the manner he deems appropriate.

1987, c. 64, s. 247; 1992, c. 54, s. 69.

**247.1.** *(Repealed).*

2004, c. 20, s. 192; 2010, c. 3, s. 304.

**248.** The Minister of Natural Resources and Wildlife shall, with respect to secondary mining roads designated as such by the Government, exercise the powers vested in the Minister of Transport by this division.

Notwithstanding the first paragraph, the plans and standards of construction, improvement and maintenance of the roads must be approved by the Minister of Transport.

1987, c. 64, s. 248; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

**249.** The Government may, by regulation, render the provisions respecting highway traffic and safety in the Highway Safety Code (chapter C-24.2) applicable to secondary mining roads.

1987, c. 64, s. 249; 1986, c. 91, s. 655.

**250.** No user of a secondary mining road may bring an action for damages on the ground of faulty construction, improvement or maintenance of the road.

1987, c. 64, s. 250.

## CHAPTER V

### INSPECTION

**251.** Every person generally or specially authorized by the Minister to act as an inspector may

(1) enter, at any reasonable time, any place where an activity governed by this Act or the regulations is carried on and inspect it;

(2) examine and make copies of the books, registers, plans, accounts, records and any other documents related to that activity;

(3) require any information or document relating to the activities governed by this Act and the regulations;

(4) take photographs of the premises and the property located there.

1987, c. 64, s. 251; 2005, c. 45, s. 5.

**252.** No person may hinder an inspector in the performance of his duties, mislead him through concealment or false declarations, refuse to furnish him any information or document he is entitled to require or examine under section 251, or conceal or destroy any document or property relevant to an inspection.

1987, c. 64, s. 252.

**253.** The inspector shall, on request, identify himself and produce the certificate of his capacity signed by the Minister.

1987, c. 64, s. 253.

**254.** *(Repealed).*

1987, c. 64, s. 254; 2016, c. 35, s. 23.

**255.** In no case may legal proceedings be taken against the inspector for official acts performed in good faith in the course of his duties.

1987, c. 64, s. 255.

## CHAPTER VI

### INQUIRY

**256.** The Minister or any person he designates as investigator may inquire into any fact within the scope of this Act or the regulations.

1987, c. 64, s. 256.

**257.** The Minister and the investigator, for the conduct of an inquiry, are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the right to order imprisonment.

1987, c. 64, s. 257.

**258.** The investigator shall, on request, identify himself and produce a certificate of his capacity signed by the Minister.

1987, c. 64, s. 258.

**259.** Where an investigation is conducted to verify a fact that will permit the Minister to make a decision affecting the rights of a person applying for the registration of a claim or a holder of a mining right, the investigator shall transmit to the interested person a copy of the report containing his findings at the same time as he forwards it to the Minister.

1987, c. 64, s. 259; 1988, c. 9, s. 47.

## CHAPTER VII

### REVOCACTION OF RIGHTS BY THE GOVERNMENT

**260.** *(Repealed).*

1987, c. 64, s. 260; 1998, c. 24, s. 110.

**261.** The Government may revoke, without compensation, the mining rights in the mining concessions referred to in section 4 or in the lands granted pursuant to the same section where there have been no exploration work or mining operations for 10 years unless the grantee or the owner proves to it that the deposit subject to the rights constitutes a reserve necessary for the continuation of a mining undertaking operated by him in Québec.

1987, c. 64, s. 261; 2013, c. 32, s. 98.

**262.** The Government shall, by registered mail, send a notice of its intention to revoke the rights referred to in section 261 to the grantee or owner at his last known address.

The notice shall be published in two consecutive issues of the *Gazette officielle du Québec*, and twice at an interval of seven days in a daily or weekly newspaper published in Montréal and in every judicial district in which all or part of the land affected by the revocation is situated.

1987, c. 64, s. 262; 1998, c. 24, s. 111; I.N. 2016-01-01 (NCCP).

**263.** Revocation cannot be declared until 90 days from the last publication of the notice.

1987, c. 64, s. 263.

**264.** Notice of the revocation shall be published in the *Gazette officielle du Québec*; revocation takes effect on the date of the publication.

1987, c. 64, s. 264.

**265.** The revocation does not apply to rights in substances described in section 5.

1987, c. 64, s. 265.

**266.** The revocation of mining rights in a mining concession does not affect any other right of ownership transferred to a third person under a deed of alienation referred to in section 361.

1987, c. 64, s. 266; 1998, c. 24, s. 112.

**267.** Any person except the grantee or owner whose rights have been revoked may, within 30 days from the date on which the revocation of mining rights under section 261 takes effect, apply for the registration of a claim by map designation in respect of all or part of the land that was subject to the revoked rights.

Thereafter, a person whose rights have been revoked may also apply for the registration of a right referred to in the first paragraph in relation to all or part of the parcel of land subject to the revoked rights.

1987, c. 64, s. 267; 1998, c. 24, s. 113; 2016, c. 35, s. 23.

**268.** *(Repealed).*

1987, c. 64, s. 268; 1998, c. 24, s. 114; 2011, c. 6, s. 290; 2013, c. 32, s. 99.

**269.** *(Repealed).*

1987, c. 64, s. 269; 2013, c. 32, s. 99.

**270.** *(Repealed).*

1987, c. 64, s. 270; 2013, c. 32, s. 99.

**271.** *(Repealed).*

1987, c. 64, s. 271; 2013, c. 32, s. 99.

**272.** *(Repealed).*

1987, c. 64, s. 272; 2013, c. 32, s. 99.

**273.** *(Repealed).*

1987, c. 64, s. 273; 1988, c. 9, s. 48; 2016, c. 35, s. 23.

**274.** *(Repealed).*

1987, c. 64, s. 274; 2016, c. 35, s. 23.

**275.** *(Repealed).*

1987, c. 64, s. 275; 2016, c. 35, s. 23.

**276.** *(Repealed).*

1987, c. 64, s. 276; 2016, c. 35, s. 23.

**277.** *(Repealed).*

1987, c. 64, s. 277; 2016, c. 35, s. 23.

## CHAPTER VIII

### SUSPENSION OR REVOCATION OF MINING RIGHTS BY THE MINISTER

**278.** The Minister may suspend or revoke any mining right where a holder

(1) does not comply with the conditions, obligations or restrictions applicable to the exercise of the mining right;

(2) has not paid the annual duties, the royalties or the rental on the due date.

1987, c. 64, s. 278.

**279.** *(Repealed).*

1987, c. 64, s. 279; 1998, c. 24, s. 115; 2016, c. 35, s. 23.

**280.** *(Repealed).*

1987, c. 64, s. 280; 1997, c. 43, s. 355; 1998, c. 24, s. 116; 2021, c. 35, s. 63.

**281.** The Minister may revoke

(1) a claim within three months following its renewal where he refuses the work under section 74, except in a case contemplated in paragraph 4 of that section;

(2) *(paragraph repealed);*

(2.1) at any time, a mining right obtained or renewed by mistake;

(3) at any time, a mining right obtained or renewed through fraud or misrepresentation unless the right has been registered for not less than one year in the register contemplated in section 13 in the name of a subsequent purchaser in good faith;

(4) *(paragraph repealed);*

(5) a mining lease or mining concession if the lessee or grantee does not comply with the requirements established by the Government under section 101.0.2 or 119 or does not comply with the Mining Tax Act (chapter I-0.4);

(6) a mining right if the holder of the right has, in the preceding five years, been found guilty of an offence referred to in any of sections 316 to 318.

1987, c. 64, s. 281; 1990, c. 36, s. 15; 1998, c. 24, s. 117; 2013, c. 32, s. 100; 2016, c. 35, s. 23; 2021, c. 35, s. 64.

**282.** The holder of a mining right who is carrying on underground exploration work, the holder of any operating lease and the grantee of a mining concession whose rights have been revoked shall forward to the Minister, at his request, a copy of the plans, records and report mentioned in section 226.

1987, c. 64, s. 282.

**283.** *(Repealed).*

1987, c. 64, s. 283; 1998, c. 24, s. 118.

**284.** The Minister shall, before suspending or revoking a mining right, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3), send a copy of the notice to the registrar, and allow the holder at least 15 days to present observations.

The mailing of the notice of revocation shall interrupt the time limits provided for in section 281.

1987, c. 64, s. 284; 1997, c. 43, s. 357; 1998, c. 24, s. 119; 2021, c. 35, s. 65.

**285.** *(Repealed).*

1987, c. 64, s. 285; 1997, c. 43, s. 358; 1998, c. 24, s. 120; I.N. 2016-01-01 (NCCP); 2021, c. 35, s. 66.

**286.** The suspension or revocation of a mining right takes effect on the date the decision becomes enforceable.

1987, c. 64, s. 286; 2013, c. 32, s. 101.

**287.** The revocation of mining rights in a mining concession does not affect any other right of ownership transferred to a third person under a deed of alienation referred to in section 361.

1987, c. 64, s. 287; 1998, c. 24, s. 121.

**288.** Within 30 days after the date the revocation of a mining lease, mining concession or lease to mine surface mineral substances becomes enforceable, a person other than the holder of the revoked mining right may obtain, in accordance with this Act, a claim by map designation notice or a lease to mine surface mineral substances on all or part of the parcel of land that was subject to the revoked mining right.

Thereafter, a person whose mining right has been revoked may also obtain, in accordance with this Act, a right referred to in the first paragraph in relation to all or part of the parcel of land subject to the revoked mining right.

If the interested person discontinues his contestation of the decision revoking his right, the prescribed time runs from the date of filing of a notice of discontinuance in the office of the Court of Québec.

1987, c. 64, s. 288; 1988, c. 21, s. 66; 1998, c. 24, s. 122; 2013, c. 32, s. 102; 2020, c. 12, s. 144.

**289.** *(Repealed).*

1987, c. 64, s. 289; 1988, c. 21, s. 66; 1998, c. 24, s. 123; 2013, c. 16, s. 18.

## CHAPTER IX

### REFERRAL, CONTESTATION AND APPEAL

1987, c. 64, c. IX; 2020, c. 12, s. 146.

**290.** The Minister shall refer any dispute concerning a mining right held by the State to the Court of Québec.

Sections 299 to 303, adapted as required, apply to any case so referred.

A copy of the decision of the Court of Québec shall be transmitted to the Minister.

1987, c. 64, s. 290; 1988, c. 21, s. 66; 1999, c. 40, s. 178.

**291.** Every decision rendered pursuant to section 42.4, 53, 58, 58.1, 61, 63, 74, 101, 101.1, 104 or 120, the second paragraph of section 141, section 147, 148 or 231, the first paragraph of section 232.5, subparagraph 4 of the first paragraph of section 232.6, the first paragraph of section 232.7, 232.8 or 232.11, or section 234, 278 or 281, must be in writing and give the reasons on which it is based. It shall be transmitted to the person concerned and, in the case of a decision rendered pursuant to section 42.4, to every holder of a mining right that may be affected by the decision, within fifteen days by registered mail.

1987, c. 64, s. 291; 1988, c. 9, s. 49; 1991, c. 23, s. 7; 1998, c. 24, s. 124; 2003, c. 15, s. 29; 2013, c. 32, s. 103; I.N. 2016-01-01 (NCCP); 2016, c. 35, s. 23; 2021, c. 35, s. 67.

**292.** Before rendering a decision under section 291, the Minister shall transmit a copy of the record pertaining to the case to every interested person who applies therefor.

1987, c. 64, s. 292.

**293.** The Minister shall also forward a 30 days' notice of his intention not to renew or to revoke a mining right to the creditors having registered an instrument contemplated in paragraph 3 of section 13.



Where the mining right expires during the period of 30 days, the notice shall have the effect of postponing the expiry of the mining right by suspending its term for the time that remains to run by virtue of the notice.

1987, c. 64, s. 293; 2000, c. 42, s. 188; 2013, c. 32, s. 104.

**294.** A decision to refuse the renewal, to suspend or to revoke a mining right suspends the term of the mining right until the decision becomes enforceable.

1987, c. 64, s. 294; 2013, c. 32, s. 105.

**295.** Any party to a decision under section 291 may contest it before to the Court of Québec. Any holder of a mining right affected by a decision rendered pursuant to section 42.4 may also contest it before to the Court of Québec.

1987, c. 64, s. 295; 1988, c. 21, s. 66; 1998, c. 24, s. 126; 2020, c. 12, s. 150.

**296.** The contestation suspends the execution of the decision unless the court decides otherwise.

1987, c. 64, s. 296; 2020, c. 12, s. 144.

**297.** The contestation is made by an application served on the Minister.

1987, c. 64, s. 297; I.N. 2016-01-01 (NCCP); 2020, c. 12, s. 133.

**298.** The contesting party shall file the application in the office of the Court of Québec of the judicial district of his domicile or principal establishment or of the district where the facts which gave rise to the decision occurred, within 30 days after receipt of the decision by the contesting party.

1987, c. 64, s. 298; 1988, c. 21, s. 66; I.N. 2016-01-01 (NCCP); 2020, c. 12, s. 147.

**299.** Upon service of the application, the Minister shall transmit the record of the contested decision to the Court of Québec.

1987, c. 64, s. 299; 1988, c. 21, s. 66; I.N. 2016-01-01 (NCCP); 2020, c. 12, s. 151.

**300.** The contestation is heard and decided by preference.

The court shall base its decision on the record transmitted to it and on any other evidence submitted by the parties.

1987, c. 64, s. 300; 2020, c. 12, s. 144.

**301.** The Court of Québec may, in the manner prescribed in articles 63 to 65 of the Code of Civil Procedure (chapter C-25.01), adopt the regulations which, in its judgment, are necessary for the application of this chapter.

1987, c. 64, s. 301; 1988, c. 21, s. 66; I.N. 2016-01-01 (NCCP).

**302.** Only the judges of the Court of Québec designated by the chief judge shall have jurisdiction pursuant to this chapter.

1987, c. 64, s. 302; 1988, c. 21, s. 66; 1995, c. 42, s. 57.

**303.** A decision of the Court of Québec may be appealed from to the Court of Appeal with leave of a judge of the Court of Appeal.

1987, c. 64, s. 303; 1988, c. 21, s. 66.

## CHAPTER X

### POWERS OF THE MINISTER

2003, c. 15, s. 30; 2005, c. 45, s. 6.

#### DIVISION I

##### SPECIAL POWERS

2005, c. 45, s. 6.

**304.** The Minister may, by order,

(1) reserve to the State or withdraw from prospecting, mining exploration and mining operations any mineral substance forming part of the domain of the State and necessary for any purpose that the Minister considers to be in the public interest, in particular,

- mining inventory and exploration work;
- mining, industrial, port, airport or communications facilities;
- underground conduits;
- development and utilization of waterpower, power transmission lines, storage tanks or underground reservoirs;
- creation of parks or protection areas;
- plant-life and wildlife conservation;
- the protection of eskers that may be a source of drinking water;
- respect for protection areas established under the Groundwater Catchment Regulation (chapter Q-2, r. 6);
- the protection of the rehabilitation and restoration work carried out in accumulation areas under sections 232.1 and 232.11;
- classification as an exceptional forest ecosystem under the Sustainable Forest Development Act (chapter A-18.1) or designation of biological refuges under that same Act;

(1.1) *(subparagraph repealed)*;

(1.2) *(subparagraph repealed)*;

(2) *(subparagraph repealed)*;

(2.1) define, for lands of the domain of the State, the types of construction that may be erected or maintained by the holder of a claim of the land subject to the claim without being required to obtain authorization from the Minister;

(3) *(subparagraph repealed)*;

(4) *(subparagraph repealed)*.

Where the land on which mining inventory and mining exploration work is to be performed is in a reserved area or an agricultural zone within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), the Minister shall consult the Commission de protection du territoire agricole du Québec before withdrawing the land from prospecting, map designation, mining exploration or mining operations.

The Minister must, by order, reserve to the State all mineral substances that form part of the domain of the State and for which a lease to mine surface mineral substances was refused under section 142.0.1 or terminated by the Minister under section 142.0.2.

The Minister may allow, by order, on land reserved to the State, mining exploration or mining operations in accordance with this Act for such mineral substances as are determined by the Minister.

The order comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date specified therein.

An order made by the Minister under subparagraph 1 of the first paragraph, concerning the designation of a biological refuge, must refer to the number assigned the biological refuge appearing in the list referred to in section 29 of the Sustainable Forest Development Act, and is valid without further formality.

The order is published on the department's website and comes into force on the date given on that website.

1987, c. 64, s. 304; 1988, c. 9, s. 50; 1991, c. 23, s. 8; 1996, c. 26, s. 85; 1998, c. 24, s. 127; 1999, c. 40, s. 178; 1998, c. 24, s. 127; 2001, c. 6, s. 149; 2007, c. 39, s. 33; 2010, c. 3, s. 305; 2013, c. 16, s. 19; 2013, c. 32, s. 106; 2016, c. 35, s. 23; 2021, c. 35, s. 68.

**304.1.** Prior to the making of an order under subparagraph 1 of the first paragraph of section 304, to the coming into force of the withdrawal provided for in section 304.1.1, or to the publication of a notice of classification of an outstanding geological site under section 305.1, the Minister may temporarily suspend, for a period of six months, the right to designate on a map a parcel of land whose boundaries are shown on the maps kept at the office of the registrar. Such a suspension may be renewed for six-month periods.

The suspension takes effect after the filing of a notice in the office of the registrar, on the date indicated in the notice.

2003, c. 15, s. 31; 2005, c. 45, s. 7; 2013, c. 32, s. 107; 2021, c. 35, s. 69.

**304.1.1.** Any mineral substance forming part of the domain of the State and found in a parcel of land on which a claim may be obtained and that is included in a mining-incompatible territory delimited in a land use and development plan in accordance with the Act respecting land use planning and development (chapter A-19.1) is withdrawn from prospecting, mining exploration and mining operations from the time the territory is shown on the maps kept at the office of the registrar.

A mining-incompatible territory is a territory in which the viability of activities would be compromised by the impacts of mining.

2013, c. 32, s. 108.

**305.** The Minister may, by order, delegate generally or specially, to any person, the exercise of the powers vested in him by this Act.

Such delegation comes into force on the date of publication of the order in the *Gazette officielle du Québec* or on any later date indicated therein.

1987, c. 64, s. 305.

## DIVISION II

### OUTSTANDING GEOLOGICAL SITE

2005, c. 45, s. 8.

**305.1.** The Minister may classify an outstanding geological site and establish the boundaries of the site after consulting the Minister of Sustainable Development, Environment and Parks, associations in the Québec mining industry and, where applicable, the holders of mining rights, municipalities, urban communities or Native communities concerned.

The notice of classification must be published in the *Gazette officielle du Québec*.

The boundaries of a classified outstanding geological site are shown on maps kept at the office of the registrar.

2005, c. 45, s. 8.

**305.2.** The Minister may extend the boundaries of an outstanding geological site classified under section 305.1 or, if the Minister considers that the grounds for classification no longer exist, declassify part or all of the site after consulting the Minister of Sustainable Development, Environment and Parks.

2005, c. 45, s. 8.

**305.3.** The Minister may take the measures needed to ensure the development or the preservation of an outstanding geological site classified under section 305.1.

2005, c. 45, s. 8.

**305.4.** Before classifying an outstanding geological site located on private property, extending its boundaries or exercising the power described in section 305.3, the Minister must enter into an agreement with the owner.

2005, c. 45, s. 8.

**305.5.** The Minister must request the registration in the land register of the agreement referred to in section 305.4 and forward to the owner a certified statement of registration. The agreement, once registered, is binding on all subsequent acquirers.

The agreement must also be filed in the office of the registrar.

2005, c. 45, s. 8.

## DIVISION III

*(Repealed, 2011, c. 16, s. 53)*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.6.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.7.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.8.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.9.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.10.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.11.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.12.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.13.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.14.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.15.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**305.16.** *(Repealed).*

2008, c. 26, s. 1; 2011, c. 16, s. 53.

**CHAPTER XI**

**REGULATIONS**

**306.** The Government may, by regulation,

(1) prescribe the amount of the fee for the registration of any transfer of mining rights or any other act referred to in section 13 and of the fee for the issuance of certificates of entry in the public register of real and immovable mining rights;

(2) prescribe the requirements for obtaining a licence or mining right and any fee or rental payable;

(2.1) *(paragraph repealed);*

(3) determine the conditions for renewing or extending a mining right or a licence and, if applicable, the fee or rental payable;

(4) *(paragraph repealed);*

(5) prescribe the conditions of exercise of a licence or mining right;

(6) *(paragraph repealed);*

(7) *(paragraph repealed)*;

(8) determine the documents and information that must accompany notices of map designation, applications for amalgamation and applications for replacement of claims, and prescribe the applicable fees, and for the purpose of prescribing the fee that must accompany a map designation notice, define “person” for the purposes of the first paragraph of section 307;

(8.1) prescribe the fee payable by an applicant for a mining right in the case of a referral to the Minister under section 53;

(8.2) determine how the notification under section 65 is to be given;

(8.3) prescribe the fee payable under section 69;

(9) define the improvements referred to in sections 70 and 144;

(10) specify the nature of any work required under this Act, its minimum cost and related expenses, the form and content of any report relating to it and the documents that must accompany the report;

(10.1) determine, for the purposes of the first paragraph of section 72, what constitutes property examination and technical assessment work;

(11) fix the additional amount referred to in subparagraph 1 of the second paragraph of sections 104 and 148;

(12) prescribe the rules governing amendments to an application for renewal for the purposes of section 79;

(12.1) define the prospecting work that may be applied, in a report, to the first term of a claim or the first term following conversion of a claim, in accordance with section 81;

(12.1.1) prescribe the fee payable by the holder of a mining right who submits an application to abandon the right in accordance with the first paragraph of section 83 or sections 122 and 156;

(12.2) determine the information that must be contained in an application for the conversion of mining rights referred to in subdivision 5 of Division III of Chapter III and specify, in the case of an application for conversion, the documents that must be submitted with it;

(12.3) prescribe, for the purposes of applications for conversion, or for amalgamation or replacement of claims, the manner of calculating the average unexpired portion of the terms of all the claims to be converted, amalgamated or replaced in order to determine the date of expiry of the converted, amalgamated or replaced claims;

(12.4) prescribe, for the purposes of applications for conversion, or for amalgamation or replacement of claims, the manner in which and the conditions according to which the excess amounts disbursed for work performed on all the parcels of land subject to the claims to be converted, amalgamated or replaced are to be distributed;

(12.5) prescribe, for the purposes of applications for conversion, or for amalgamation or replacement of claims, the manner of determining the number of terms of the converted, amalgamated or replaced claims in order to establish the minimum cost of the work to be performed for further renewals of claims after the first renewal following conversion, amalgamation or replacement;

(12.6) determine the cases in which and the conditions according to which a mining right may be converted into map designated claims and claims may be amalgamated or replaced pursuant to subdivisions 5, 7 and 8 of Division III of Chapter III, and the effects of such conversion, amalgamation or replacement on

rights granted to third persons and evidenced in an instrument relating to the converted, amalgamated or replaced mining right recorded in the public register of real and immovable mining rights;

(12.7) *(paragraph repealed);*

(12.8) *(paragraph repealed);*

(12.9) *(paragraph repealed);*

(12.10) determine the qualification requirements concerning the engineer or geologist certifying the report required pursuant to section 101;

(12.11) determine the manner in which the public consultation required under sections 101.0.1 and 140.1 is to be held;

(12.12) determine the particulars relating to the monitoring committee established under section 101.0.3, in particular with respect to the independence of committee members, the information and documents a lessee must provide to the committee so that it can carry out its mandate, the nature of the committee costs to be reimbursed by the lessee, the number of meetings the committee must hold each year and the production of an annual report;

(13) fix the amount of the fees to be paid by the lessee who applies for an increase in the area of the territory subject to the lease in accordance with section 104.1;

(13.1) fix the amount of the duties to be paid by a person authorized to extract a fixed quantity of surface mineral substances pursuant to the second paragraph of section 140, and the amount of the duties to be paid by the holder of an exclusive lease to mine surface mineral substances who applies under section 146 for an increase in the area of the territory subject to the lease;

(14) fix the amount of the royalty payable under the second paragraph of section 140 or the first paragraph of section 155;

(14.1) *(paragraph repealed);*

(14.2) prescribe the payment of an additional amount, that it fixes, to be added to royalties, payable by the holder of a lease to mine surface mineral substances or by an operator or a person referred to in section 223.1, in particular for a failure to forward to the Minister the report referred to in section 155 within the specified time, or for any other failure to fulfil the requirements of that section that it determines;

(15) *(paragraph repealed);*

(15.1) *(paragraph repealed);*

(16) *(paragraph repealed);*

(17) *(paragraph repealed);*

(18) *(paragraph repealed);*

(19) *(paragraph repealed);*

(20) *(paragraph repealed);*

(21) *(paragraph repealed);*

(21.1) fix the amount of duties payable for taking part in a drawing of lots under section 207, and prescribe the conditions to be complied with by a person who intends to take part in the drawing of lots;

(22) prescribe the surveying standards a surveyor must comply with under the second paragraph of section 210;

(23) prescribe norms governing written notices under section 224;

(24) prescribe the plans and records to be kept up to date in accordance with section 225 and the plans to be transmitted to the Minister in accordance with section 223 as well as the time limits for transmitting those plans to the Minister whenever amendments to the plans are justified by changes in the mining activities;

(25) prescribe the plans, records and report that the holder of a mining right who performs underground exploration work and an operator are required to transmit to the Minister in accordance with section 226 where the work is discontinued;

(26) prescribe the protective measures to be taken by the holder of a mining right or an operator where mining operations are temporarily or permanently discontinued;

(26.1) determine the work and operations contemplated in section 232.1 and, where expedient, list the mineral substances referred to therein;

(26.2) determine the term, form and amount of the guarantee required under section 232.4 and the conditions of such a guarantee;

(26.3) prescribe the fee payable for the assessment of a rehabilitation and restoration plan with a view to its approval or revision;

(26.4) prescribe the fee payable for the assessment and inspections conducted for the purpose of issuing a certificate of release under section 232.10;

(26.5) prescribe the fee payable when applying for an approval under sections 240 and 241;

(27) prescribe the documents to be transmitted to the Minister in accordance with section 241;

(28) render the provisions respecting highway traffic and safety in the Highway Safety Code (chapter C-24.2) applicable to secondary mining roads;

(29) fix the costs that must accompany an application for the suspension or revocation of a mining right;

(29.1) prescribe the fee payable for searching the public register of real and immovable mining rights, the fee payable for copies of documents, or extracts from the register, and any other related fees;

(29.2) prescribe the fee payable by a person to whom an inspector has given a written notice of non-compliance with this Act or the regulations;

(29.3) prescribe the fee payable for the issue of an attestation respecting mining rights provided for in section 32 of the Groundwater Catchment Regulation (chapter Q-2, r. 6);

(30) fix the terms and conditions of payment of the fees, costs and rentals prescribed in this Act;

(31) determine which provisions of a regulation it is an offence to contravene.

1987, c. 64, s. 306; 1986, c. 91, s. 655; 1988, c. 9, s. 9, s. 51; 1988, c. 9, s. 52; 1990, c. 36, s. 16; 1991, c. 23, s. 9; 1997, c. 43, s. 359; 1998, c. 24, s. 128; 2001, c. 12, s. 17; 2003, c. 15, s. 32; 1998, c. 24, s. 128; 2013, c. 16, s. 20; 2013, c. 32, s. 109; 2016, c. 35, s. 23; 2021, c. 35, s. 70; 2023, c. 24, s. 141.

**306.1.** The maximum amount of the registration fee exigible pursuant to paragraph 1 of section 306 may be fixed for each instrument.

1990, c. 36, s. 17; 2016, c. 35, s. 23.



**307.** In the case of a claim, the fees referred to in paragraphs 3 and 8 of section 306 may vary according to the area of land covered by the claim or according to the region where the land is situated. Moreover, the fees referred to in paragraph 3 of section 306 may vary according to whether the renewal of the claim is applied for before or after the sixtieth day preceding its expiry, and the fees referred to in paragraph 8 of that section which must accompany the notice of map designation may vary according to the number of claims that are map designated during the same day for the same person, whatever the number of notices of map designation presented by that person during that day.

The minimum cost of the work referred to in paragraph 10 of the said section may vary according to the area of the land on which it is performed, the regions where the land is situated or the number of terms of the claim.

The norms with which any report of work performed on a claim must comply, the information which must be contained in the report and the documents which must accompany the report may vary according to the average cost of the work performed on the claim, according to the total value of the work declared in each report, or according to the total value of the work reported in a given period.

1987, c. 64, s. 307; 1990, c. 36, s. 18; 1998, c. 24, s. 129.

**308.** In the case of a mining lease, the rental referred to in paragraphs 2 and 3 of section 306 may vary according to the area of the land subject to the mining lease or to whether the land is situated on lands in the domain of the State or on lands granted, alienated or leased by the State for purposes other than mining purposes, depending on whether or not the surface of the soil is utilized or according to the nature of its utilization.

1987, c. 64, s. 308; 1999, c. 40, s. 178.

**309.** In the case of a lease to mine surface mineral substances, the requirements and conditions and the rental referred to in paragraphs 2 and 3 of section 306 may vary according to whether the lease is exclusive or not.

In the case of an exclusive lease, the rental referred to in paragraphs 2 and 3 of section 306 may vary according to the term of the lease, the area of the parcel of land subject to the lease and the mineral substance mined, or according to whether or not the substance is mined on land forming part of the domain of the State.

In the case of sand, gravel, common clay and inert tailings, the rental payable under paragraph 2 or 3 of section 306, the fees referred to in paragraph 13.1 of section 306 and the amount of the royalty fixed under paragraph 14 of the same section may vary according to the nature and quality of the substances, the distance between the site where the substances are found and the market served or the availability of the substances in a given region.

1987, c. 64, s. 309; 1990, c. 36, s. 19; 1998, c. 24, s. 130; 1999, c. 40, s. 178.

**310.** The amount of the royalty referred to in paragraph 14 of section 306 may vary according to production volume.

1987, c. 64, s. 310; 1988, c. 9, s. 53; 1998, c. 24, s. 131; 2016, c. 35, s. 23.

**311.** *(Repealed).*

1987, c. 64, s. 311; 2013, c. 32, s. 110.

**312.** In the case of a mining concession referred to in section 119, the minimum cost of the work referred to in paragraph 10 of section 306 may vary according to the area of the land subject to the mining concession.

1987, c. 64, s. 312.

**313.** *(Repealed).*

1987, c. 64, s. 313; 1998, c. 24, s. 132; 2016, c. 35, s. 23.

**313.1.** *(Repealed).*

1988, c. 9, s. 54; 2016, c. 35, s. 23.

**313.2.** The protective measures prescribed under paragraph 26 of section 306 may vary according to the purpose of the mining operations.

1988, c. 9, s. 54.

**313.3.** The term and amount of the guarantee mentioned in paragraph 26.2 of section 306 may vary according to the nature of the activities or operations carried on by the holder of the mining right, the operator or person referred to in section 232.1, or according to the nature and estimated quantity of mine tailings to be produced on a given site.

1998, c. 24, s. 133.

**CHAPTER XII**

**PENAL PROVISIONS**

**314.** A person who

- (1) contravenes any of sections 220 to 226 and 282,
- (2) damages an outstanding geological site classified by the Minister under section 305.1 or destroys or alters property situated on such a site,
- (3) contravenes a provision of a regulation whose contravention constitutes an offence under paragraph 31 of section 306, or
- (4) prohibits or hinders access to a parcel of land containing mineral substances that form part of the domain of the State by a person authorized by the Minister to perform geological research and inventory work and who, on request, provides identification and produces a certificate of authority signed by the Minister

is guilty of an offence and is liable to a fine of \$1,000 to \$100,000 in the case of a natural person and \$3,000 to \$600,000 in any other case.

1987, c. 64, s. 314; 1990, c. 4, s. 575, s. 576; 1990, c. 36, s. 20; 1991, c. 33, s. 77; 2013, c. 32, s. 111; 2016, c. 35, s. 23; 2021, c. 35, s. 71.

**315.** A person who contravenes any of sections 27, 30, 81.1, 155, 233.1 and 252 is guilty of an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person and \$7,500 to \$1,500,000 in any other case.

1987, c. 64, s. 315; 1990, c. 4, s. 575, s. 576; 1990, c. 36, s. 21; 1991, c. 33, s. 78; 2013, c. 32, s. 111.

**316.** A person who contravenes any of sections 100, 140, 216, 232.1, 232.2, 232.6, 233, 240 and 241 is guilty of an offence and is liable to a fine of \$5,000 to \$500,000 in the case of a natural person and \$15,000 to \$3,000,000 in any other case.

1987, c. 64, s. 316; 1990, c. 4, s. 575, s. 576; 1991, c. 33, s. 79; 2013, c. 32, s. 111; 2016, c. 35, s. 23.

**317.** A person who contravenes section 30.1 is guilty of an offence and is liable to a fine of \$10,000 to \$1,000,000 in the case of a natural person and \$30,000 to \$6,000,000 in any other case.

1987, c. 64, s. 317; 1990, c. 4, s. 575, s. 576; 1991, c. 33, s. 80; 2013, c. 32, s. 111.

**318.** A person who contravenes any of sections 232.4, 232.5 or 232.7 or the standards prescribed by regulation for the guarantee required under this Act is guilty of an offence and is liable to a fine corresponding to 10% of the total amount of the guarantee.

1987, c. 64, s. 318; 1990, c. 4, s. 575, s. 576; 1991, c. 33, s. 81; 1991, c. 23, s. 10; 2013, c. 32, s. 111.

**319.** The fines prescribed in this Act or the regulations are doubled for a second offence and tripled for a subsequent offence, without exceeding the maximum fine.

1987, c. 64, s. 319; 1990, c. 4, s. 575, s. 576; 1991, c. 33, s. 82; 2013, c. 32, s. 111.

**320.** *(Replaced).*

1987, c. 64, s. 320; 1990, c. 4, s. 575; 1991, c. 33, s. 83; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35; 2013, c. 32, s. 111.

**321.** *(Replaced).*

1987, c. 64, s. 321; 1990, c. 4, s. 577; 1991, c. 33, s. 84; 1999, c. 40, s. 178; 2013, c. 32, s. 111.

**321.1.** *(Replaced).*

2005, c. 45, s. 9; 2013, c. 32, s. 111.

**322.** Where an offence described in sections 314 to 318 continues for more than one day, it is considered a separate offence for each day or part of a day during which it continues.

1987, c. 64, s. 322; 1990, c. 4, s. 578; 2013, c. 32, s. 112.

**322.1.** Penal proceedings for an offence under this Act shall be prescribed by two years from the date of the commission of the offence.

1992, c. 61, s. 400.

**323.** *(Repealed).*

1987, c. 64, s. 323; 1990, c. 4, s. 579.

## CHAPTER XIII

### AMENDING PROVISIONS

**324.** *(Omitted).*

1987, c. 64, s. 324.

**325.** *(Omitted).*

1987, c. 64, s. 325.

**326.** *(Omitted).*

1987, c. 64, s. 326; 1988, c. 9, s. 55.

**327.** *(Omitted).*

1987, c. 64, s. 327.

**328.** *(Amendment integrated into c. A-4.1, s. 1).*

1987, c. 64, s. 328.

**329.** *(Amendment integrated into c. A-19.1, s. 1).*

1987, c. 64, s. 329.

**330.** *(Amendment integrated into c. A-19.1, s. 6).*

1987, c. 64, s. 330.

**331.** *(Amendment integrated into c. A-19.1, s. 246).*

1987, c. 64, s. 331.

**332.** *(Amendment integrated into c. C-47, s. 3).*

1987, c. 64, s. 332.

**333.** *(Amendment integrated into c. C-69, s. 40).*

1987, c. 64, s. 333.

**334.** *(Amendment integrated into c. D-15, s. 1).*

1987, c. 64, s. 334.

**335.** *(Amendment integrated into c. D-15, s. 5).*

1987, c. 64, s. 335.

**336.** *(Amendment integrated into c. F-2.1, s. 65).*

1987, c. 64, s. 336.

**337.** *(Amendment integrated into c. M-39, s. 17).*

1987, c. 64, s. 337.

**338.** *(Amendment integrated into c. P-41.1, s. 1).*

1987, c. 64, s. 338.

**339.** *(Amendment integrated into c. T-9.1, s. 56.1).*

1987, c. 64, s. 339.

**340.** *(Omitted).*

1987, c. 64, s. 340.

**CHAPTER XIV**

**MISCELLANEOUS AND TRANSITIONAL PROVISIONS**

**341.** This Act applies subject to the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1), the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67) and the Act approving the Northeastern Québec Agreement (chapter C-67.1).

1987, c. 64, s. 341.

**342.** *(Repealed).*

1987, c. 64, s. 342; 2013, c. 32, s. 113.

**343.** *(Repealed).*

1987, c. 64, s. 343; 1988, c. 9, s. 56; 2013, c. 32, s. 113.

**344.** In any Act or statutory instrument, any reference to a provision of the Mining Act (chapter M-13) is a reference to the corresponding provision of this Act.

1987, c. 64, s. 344.

**345.** Regulations for the withdrawal from staking made under the Mining Act (chapter M-13) are deemed to be ministerial orders made under section 304 of this Act.

1987, c. 64, s. 345.

**346.** *(Repealed).*

1987, c. 64, s. 346; 2013, c. 32, s. 113.

**347.** *(Repealed).*

1987, c. 64, s. 347; 1988, c. 9, s. 57, s. 58; 2013, c. 32, s. 113.

**348.** *(Repealed).*

1987, c. 64, s. 348; 2013, c. 32, s. 113.

**349.** *(Repealed).*

1987, c. 64, s. 349; 1988, c. 9, s. 59; 1998, c. 24, s. 134; 2013, c. 32, s. 113.

**350.** *(Repealed).*

1987, c. 64, s. 350; 2013, c. 32, s. 113.

**351.** *(Repealed).*

1987, c. 64, s. 351; 1988, c. 9, s. 60; 2013, c. 32, s. 113.

**352.** *(Repealed).*

1987, c. 64, s. 352; 1988, c. 9, s. 61; 2013, c. 32, s. 113.

**353.** *(Repealed).*

1987, c. 64, s. 353; 1988, c. 9, s. 62; 2013, c. 32, s. 113.

**354.** Any work in excess of the prescribed requirements that is transferred to a licence to explore for surface mineral substances may stand *in lieu* of work required under section 137 of this Act.

1987, c. 64, s. 354.

**355.** *(Repealed).*

1987, c. 64, s. 355; 2013, c. 32, s. 113.

**356.** *(Repealed).*

1987, c. 64, s. 356; 2013, c. 32, s. 113.

**357.** *(Repealed).*

1987, c. 64, s. 357; 2013, c. 32, s. 113.

**358.** *(Repealed).*

1987, c. 64, s. 358; 2013, c. 32, s. 113.

**359.** *(Repealed).*

1987, c. 64, s. 359; 2013, c. 32, s. 113.

**360.** Mining concessions granted under any former Act relating to mines are governed by this Act.

1987, c. 64, s. 360; 2013, c. 32, s. 113.

**361.** No transfer of a lot or surface right made before 17 June 1998 on a mining concession may be annulled on the sole ground of non-compliance by the holder with the requirements of the Mining Act respecting alienation in force from the date of the concession, or because of his failure to fulfil an obligation imposed on him by the Government or the ministers concerned.

The first paragraph does not apply to a deed of alienation that had not, on that date, been published at the registry office of the registration division concerned.

1987, c. 64, s. 361; 1988, c. 9, s. 63; 1998, c. 24, s. 135; 2013, c. 32, s. 114.

**362.** Every transfer of a surface right made before 1 January 1971 by emphyteutic lease on any mining concession shall be considered a sale pure and simple.

Contractual clauses inconsistent with the preceding paragraph shall be considered null and not written except those involving for the transferee the obligation to pay a sum of money. However, the hypothec securing the payment of the sum of money is extinguished. The hypothec is cancelled upon the filling of an application therefor, in authentic form *en minute*, made by any interested person.

1987, c. 64, s. 362; 1999, c. 40, s. 178.

**363.** Where a surface right in a mining concession was transferred by a deed of sale before 1 January 1971, every clause respecting a right of repossession or a restriction as to use, every clause waiving liability for damage sustained in consequence of the carrying out of mining work and every clause granting to the holder of a mining concession more rights with respect to the surface owner than those relating to mining and granted to him by the Mining Act (chapter M-13) shall be deemed not written in such deed.

1987, c. 64, s. 363; 1998, c. 24, s. 137.

**364.** *(Repealed).*

1987, c. 64, s. 364; 2013, c. 32, s. 115.

**364.1.** Except in the cases referred to in section 114, the retrocession of mining rights by a concessionary in favour of the Minister, effected before 17 June 1998, shall include the surface rights even if they are not mentioned in the instrument of retrocession, and shall form part of the domain of the State from the date of the retrocession.

The concessionary is not entitled to any indemnity or reimbursement for any claim arising from the application of this section.

1998, c. 24, s. 138; 1999, c. 40, s. 178.

**365.** The white pine and red pine reserved to the State under the Mining Act on the granting of a concession are abandoned to the owner of the soil where they are found on a concession for which letters patent were issued before 1 July 1911.

1987, c. 64, s. 365; 1999, c. 40, s. 178.

**366.** *(Repealed).*

1987, c. 64, s. 366; 2016, c. 35, s. 23.

**367.** *(Repealed).*

1987, c. 64, s. 367; 2016, c. 35, s. 23.

**368.** *(Repealed).*

1987, c. 64, s. 368; 2016, c. 35, s. 23.

**369.** *(Repealed).*

1987, c. 64, s. 369; 2016, c. 35, s. 23.

**370.** *(Repealed).*

1987, c. 64, s. 370; 2016, c. 35, s. 23.

**371.** *(Repealed).*

1987, c. 64, s. 371; 2016, c. 35, s. 23.

**372.** *(Repealed).*

1987, c. 64, s. 372; 2013, c. 32, s. 115.

**373.** *(Repealed).*

1987, c. 64, s. 373; 1990, c. 36, s. 22.

**374.** All lands in the domain of the State that were allocated for the establishment of a mining town or village are subject to the provisions of the Act respecting the lands in the domain of the State (chapter T-8.1) and the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2).

1987, c. 64, s. 374; 1998, c. 24, s. 139; 1999, c. 40, s. 178; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

**374.1.** No deed of alienation granted by the Minister in respect of a lot situated in a mining town or village before 17 June 1998 may not be invalidated on the sole ground that the price and conditions of alienation were not fixed by the Government.

1998, c. 24, s. 140.

**374.2.** Every transfer of a lot in a mining town or village by way of a lease known as an emphyteutic lease granted before 17 June 1998 by the Government or by a third person having acquired land in the domain of the State for the establishment of a mining town or village, is deemed to constitute a sale pure and simple.

The clauses of the contract that are incompatible with the first paragraph are deemed unwritten; all hypothecs guaranteeing the payment of a sum of money are extinguished and their registration may be cancelled by the filing of an application in notarial form and *en minute* by the interested person.

1998, c. 24, s. 140; 1999, c. 40, s. 178.

**374.3.** The conditions stipulated in the letters patent issued on 10 November 1952 for block 9 of the original survey and of the cadastre for the township of Holland, registered at the office of the Québec registrar on 11 November 1952 under Libro 82 Folio 102 shall cease to have effect on 17 June 1998.

Acts of alienation granted by the holder of the letters patent or by the holder's successors may not be invalidated on the sole ground that the conditions have not been complied with.

1998, c. 24, s. 140.

**375.** *(Repealed).*

1987, c. 64, s. 375; 1998, c. 24, s. 141.

**376.** *(Repealed).*

1987, c. 64, s. 376; 2016, c. 35, s. 23.

**377.** *(Repealed).*

1987, c. 64, s. 377; 2013, c. 32, s. 115.

**378.** Rights in natural and artificial underground reservoirs created by the extraction of petroleum, natural gas, brine or water that are situated on lands granted or alienated by the State before 5 July 1968 are revoked and revert to the State from 24 October 1988, whatever the mode of their granting or alienation.

1987, c. 64, s. 378; 1999, c. 40, s. 178.

**379.** If, after rights in an underground reservoir have been revoked, the underground reservoir concerned is operated, the person whose rights were revoked is entitled, as compensation, to the royalty referred to in section 274. Sections 275 to 277 apply to the payment of the compensation.

1987, c. 64, s. 379.

**379.1.** When the Minister of Revenue, in accordance with section 31 of the Tax Administration Act (chapter A-6.002), applies a refund due to a person under a fiscal law to the payment of an amount owed by that person under this Act, such application interrupts the prescription provided for in the Civil Code with regard to the recovery of the amount.

2015, c. 8, s. 73.

**380.** *(Repealed).*

1987, c. 64, s. 380; 2013, c. 32, s. 115.



**381.** *(Repealed).*

1987, c. 64, s. 381; 2013, c. 32, s. 115.

**382.** The Minister of Natural Resources and Wildlife is responsible for the administration of this Act, except the provisions concerning mining roads, which shall be administered by the Minister of Transport.

1987, c. 64, s. 382; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

**383.** *(Omitted).*

1987, c. 64, s. 383.

SCHEDULE I

*(Repealed).*

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1987, c. 64, Schedule I; 1988, c. 9, s. 64; 1996, c. 2, s. 739; 1998, c. 24, s. 142.

REPEAL SCHEDULE

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 64 of the statutes of 1987, in force on 1 March 1989, is repealed, except sections 325 to 327 and 383, effective from the coming into force of chapter M-13.1 of the Revised Statutes.

