

## Notice of coming into force

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### Act to amend various legislative provisions mainly for the purpose of reducing red tape

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The ministère de l'Énergie et des Ressources naturelles (MERN) and the ministère de l'Économie et de l'Innovation (MEI) have worked together closely on the development of the Act to amend various legislative provisions mainly for the purpose of reducing red tape (2021, chapter 35), making amendments, among others, to the Mining Act (chapter M-13.1). The purpose of these amendments is to simplify the lives of businesses and increase their flexibility to meet challenges, while contributing to the economic recovery. This Act was adopted to the National Assembly of Québec on December 7 and assented on **December 9, 2021**, which is the date of entry into force of the amendments, with exceptions.

The new measures regarding the Mining Act, introduced by this act, are as follows:

**1- Withdrawal of the staking regime**

Effective December 9, 2021, the staking regime is removed from the Mining Act. As such, the claim cannot be obtained by means of staking. Its **only method of acquisition** is map designation.

**2- Withdrawal of the prospecting licence**

Effective December 9, 2021, the prospecting licence is removed from the Mining Act. This means that any person may, in accordance with the provisions of the Mining Act, prospect land that may be the subject of a claim without having to obtain a prospecting licence.

**3- Extension of a claim's first term**

Effective December 9, 2021, the first term of a claim is extended by one year, from two to **three years**.

Subsequent terms remain for two years.

The term of claims within their first term upon the coming into force of the act will therefore be extended by one year.

**4- Possible increase of the mining lease**

The new section 104.1 of the Mining Act, effective December 9, 2021, allows the Minister to grant a mining lease holder (lessee), who applies for it, **the increase of the area** of the territory covered by the lease, provided that:

- 1° the added land is contiguous to the territory of the mining lease in question;
- 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;
- 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.

#### **5- Filing of claim renewal application and filing of assessment work reports**

**The additional amounts**, which were to be paid when the claim holder filed an application for renewal of a claim or reported the work to the Minister within 60 days before the expiry of the claim, **are repealed**.

Effective December 9, 2021, the claim holder may, **without penalty**, file with the Minister an application to renew claims under section 61 of the Mining Act and an assessment work report under section 72 of the Mining Act, no later than **1 day before the expiry of the claim**.

**6- Replacing quarterly reports with annual reports for leases to extract surface mineral substances**

Effective December 9, 2021, an annual report replaces the quarterly reporting of surface mineral mining work required under section 155 of the Mining Act, the dates of which are set out in section 59 of the Regulation respecting mineral substances other than petroleum, natural gas and brine (C.Q.L.R., c. M-13.1, r.2).

In this regard, the lessee shall transmit to the Minister, **on or before April 15 of each year**, a report **covering the period from April 1 to March 31** preceding this date. The report indicates 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.

Furthermore, in specific cases, 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.

**7- Transfer to the Minister of the requirement for the claim holder to notify the owner, the lessee, the lease holder and the local municipality of the receipt of their claim following registration**

Effective December 9, 2021, the claim holder is exempt from notifying the owner, the lessee, the holder of the exclusive lease to mine surface mineral substances and the local municipality of the receipt of its **claim within 60 days of registration**, as defined in section 65 of the Mining Act.

The Minister will be responsible for transmitting this information and will publish a notice to this effect on the Department's website, in the manner determined by regulation.

It should be noted that, on lands granted or alienated by the State for purposes other than mining, where the claim is in the territory of a local municipality, **the claim holder's obligation to inform the local municipality and the land owner of the work that will be done at least 30 days before the work begins remains.**

**8- New deadline for submitting a report**

Effective December 9, 2021, 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.

However, **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.

**9- Reduce frequency of transmission of surface and underground works plans every 5 years rather than every year**

Starting from December 9, 2021, in accordance with section 223 of the Mining Act, the operator shall forward to the Minister, **every five years**, the plans prescribed by section 94 of the regulation. The plans must be signed by an engineer. The Minister may require the operator to provide these plans to the Minister within a specified time period.

In this document, the regulation refers to the Regulation respecting mineral substances other than petroleum, natural gas and brine (chapter M-13.1, r. 2).