Notice of coming into force

Regulation to amend the Mining Regulation (D. 965-2026)

The Regulation to amend the Mining Regulation was adopted on June 30, 2026. It came into effect on July 15, 2026, with exceptions.

A summary of the major amendments to the Mining Regulation (hereinafter referred to as “MR”) is provided below.

1. Designated person in Québec

A person having no domicile or establishment in Québec must now designate a person who lives in Québec to receive any document or information sent by the Minister pursuant to the Mining Act (hereinafter “MA”), unless the person is registered under the Act respecting the legal publicity of enterprises.

This new provision allows for the coming into force of section 18.1 of the MA, introduced by section 9 of An Act to amend the Mining Act and other provisions (hereinafter “Act 36”). This section states that any person who complies with the conditions prescribed by regulation may apply for the granting of a mining right and may hold such a right.

That person is designated, as the case may be, in the manner prescribed by section 6, 38 or 46 of the MR, or by sending the person’s name, address and telephone number to the Minister. Thus, at the time of application, the mining rights applicant will be required to provide either their enterprise number (NEQ) or the name, address and telephone number of the designated person.

If the designated person is absent or unable to act, or in case of vacancy of the office of the person, the holder of a mining right must inform the Minister and designate a replacement as soon as possible.

Since this condition is linked to the ownership of a mining right, the holder must comply with it at all times. Failure to do so may result in the suspension, revocation or non-renewal of a mining right.

This new section 2 of the MR applies as of January 15, 2027, to the holder of a mining right and to a person whose application for the granting of a mining right or for the registration of the transfer of a mining right is pending on July 14, 2026.

2. Representative in case of co-ownership of a mining right

Section 78 of Act 36 introduced section 207.1 of the MA which provides for the designation of a representative where a mining right is held by more than one holder. This section also provides that the representative shall act as the mandatary of all the holders in their relations with the Minister.

Thus, the new section 3 of the MR clarifies that the representative is designated from among the holders of the mining right. This designation is done by sending the representative’s name, address and telephone number to the Minister within 90 days from the registration of the mining right or transfer in the public register of real and immovable mining rights. The designation must also be accompanied by a signed and dated written proof certifying that consent was given by each holder.

If the designated representative is absent or unable to act, or in case of vacancy of the office of the representative, the holder of a mining right must inform the Minister and designate a replacement as soon as possible.

The new section 3 of the MR will come into force on January 15, 2027.

3. Financial contribution for sand and gravel pits

Section 75 of Act 36 introduced section 155.1 of the MA which provides for the payment of a financial contribution by the holders of non-exclusive leases to mine surface mineral substances (hereinafter "SMS") to ensure the rehabilitation and restoration of lands that have been subject to such mining.

The new section 61.1 of the MR determines that the amount of this financial contribution is obtained by multiplying the reference cost of $0.90 by the quantity of metric tons of SMS extracted by the holder during the period from April 1 to March 31 preceding the sending of the report provided for in the first paragraph of section 155 of the MA. This reference cost is adjusted annually.

4. Increased fees – exclusive exploration rights

The fees that must accompany the requests for exclusive exploration rights (hereinafter "EER") and their renewals can be found in section 8 of the MR. These fees are increased by 30%.

5. Increased royalties – leases to mine SMS

The amount of royalties required from the holders of leases to mine SMS can be found in section 61 of the MR. These royalties are increased by 15%.

6. Annual fee – mining concessions

The proposed regulation initially prescribed the amount of the annual fees payable by mining concession holders. However, in light of certain concerns regarding applicability and fairness, this measure was removed from this Regulation to amend the Mining Regulation. It may be reintroduced in a future proposed regulation.

7. Restricting mining activity on certain improvements and adjacent strips of land

Section 70 of the MA requires that the EER holder obtain an authorization from the Minister to carry on any work on lands in the domain of the State where an improvement or a strip of land adjacent to it, as defined in section 14 of the MR, is located. In addition, section 144 of the MA provides that land subject to an improvement or a strip of land adjacent to it may not be the subject of a lease to mine SMS.

Section 14 of the MR has been amended to add, in addition to public highways within the meaning of the Highway Safety Code, the highways that are subject to an order made under paragraph *i* of the first paragraph of section 3 of the Act respecting the Ministère des Transports, under construction or open to traffic. In addition, the scope of the term "landing strip" is expanded to more broadly cover airports and heliports.

This section 14 of the MR is also amended so that an authorization is also required for work to be performed on a 20-metre strip of land adjacent to public highways, highways covered by the aforementioned order, airports and heliports.

For the holders of EERs in force on July 14, 2026, the new amendments to section 14 of the MR will only apply as of January 15, 2027.

8. Adjustment to the list of accepted exploration work

In order to renew an EER, section 72 of the MA requires the holder to perform work whose nature and minimum cost are determined by regulation. Section 69 of the MR is amended to add, to accepted exploration work, the costs associated with exchanges with the local and Native communities for the purposes of section 65.1 of the MA (annual work planning) or section 12 of the MR (impact-causing exploration work) and the costs associated with preliminary economic evaluations. Some other terminology changes are also made to section 69 of the MR.

In addition, the new section 71.1 of the MR establishes that amounts spent for the technical evaluation studies, referred to in section 69 of the MR, are accepted only during the first term of the EER and up to 25% of the minimum cost of the required exploration work.

9. Update to the content of exploration work reports

The provisions of the MR relating to the exploration work reports are provided for in Chapter VII, Division III. Several technical amendments are made to modernize, clarify and simplify the information required in reports on technical evaluation studies, exploration work and examination of outcrops of rock and boulders, survey work, stripping and excavation work, sampling work and work to open a face, drill-holes, research work, as well as technico-economic studies on pre-feasibility or feasibility. Some amendments are also intended to require, in some work reports, the transmission of additional information that holders already have but do not transmit to the MRNF.

Accordingly, preliminary economic evaluation reports are now also subject to section 85 of the MR.

The new section 85.1 of the MR provides that the report on the exchanges with local and Indigenous communities (see addition to section 69 of the MR) is provided, as the case may be, through the annual work planning (section 65.1 of the MA) or through the report on the exchanges regarding impact-causing exploration work (section 12(2)(f) of the MR).

In addition, in an effort to modernize practices and support the transition to digital formats, references to maps and plans appended to exploration work reports are removed from several provisions. Consequently, the Minister will, in due course, issue an order prescribing the formats to be used for certain documents submitted with exploration work reports, including requirements for the submission of shapefiles and digital data to facilitate data management and use by the MRNF and the mining industry.

The amendments to sections 73 to 90 of the MR will come into force on January 15, 2027.

10. Provisional financial guarantee

The new section 123.1 of the MR clarifies that the provisional financial guarantee that may be required for the approval of the rehabilitation and restoration plan (hereinafter "RRP") under the second paragraph of section 232.5 of the MA (amended by Act 36) must be submitted within 30 days following the notification of the Minister's decision in one of the forms referred to in section 115 of the MR. It shall also be maintained for the approval of the RRP.

11. Report in the case of suspension of mining operations

Section 226 of the MA states that where mining operations are suspended for a year or more[1], the holder of a mining right who performs underground exploration work and the operator shall transmit the plans, records and reports prescribed by regulation. Until now, the Guidelines for preparing mine closure plans in Québec (in French only) (hereinafter the "Guidelines") specified the content of the report on measures implemented during the suspension of mining operations, which must be sent to the MRNF within four months of the suspension. Section 98 of the MR has therefore been amended to incorporate these elements from the Guidelines into the MR and to specify the information that must be included in the report.

12. Security and protective measures for the discontinuation of mining activities

Section 231 of the MA provides that prescribed security and protective measures must be taken by the mining right holder or operator if mining activities are temporarily or permanently discontinued.

Sections 100 to 105 of the MR are amended to modernize the standards applicable to some of the security and protective measures already provided for in the MR, including by providing certain clarifications with respect to concrete slabs covering access to a mine, signs, backfill and fencing for underground worksites with a surface opening.

These amendments only apply to the security and protective measures implemented as of July 15, 2026.

13. Identification of the perimeter of a lease to mine SMS

The requirement to mark the perimeter of the parcel of land and its apexes by posts, in accordance with section 64 of the MR, is extended to all holders of leases to mine SMS that do not have boundary markers. In addition, in the French text, the term "piquetage" is being replaced by "au moyen de piquets" to avoid any interpretation issues with certain activities reserved for land surveyors.

The holder of a non-exclusive lease to mine SMS in force on July 14, 2026, must, before October 15, 2026, mark on the parcel of land subject to the lease the perimeter and apexes of the lease by posts, in accordance with the amendments made to this section.

14. Others

The Regulation to amend the Mining Regulation provides for a number of other consequential amendments required as a result of the amendments made to the MA by Act 36, including with regard to the public consultation required under section 140.1 of the MA[2], the transmission of

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[1] Section 226 of the MA was recently amended by the Act to amend various provisions for the main purpose of reducing regulatory and administrative burden. This section now applies if operations in the mine are suspended for at least one year, rather than six months.

[2] See the amendments made to sections 56.1 and 56.1.1 of the MR.

the environmental authorization by the holder of an exclusive lease to mine SMS[3] and financial guarantees[4].

The definition of “qualified professional” is moved to section 1 of the MR so that it applies uniformly to all sections of the MR, and is expanded with respect to professionals involved in peat-related work. The definition of “accumulation area” is also moved to section 1 of the MR.

Finally, the new section 64.1 of the MR provides that the holder of a lease to mine SMS may not prevent any person who holds a right or an authorization granting access to the parcel of land that is subject to the holder’s lease from accessing the parcel of land or, if that is the only reasonable means to access it, an adjacent parcel of land.

For more information, you may contact the Centre de services des mines at services.mines@mrnf.gouv.qc.ca.

[3] See the amendments made to section 65 of the MR, as well as section 71 of the Regulation to amend the Mining Regulation (transitional and final provisions).
[4] See the consequential amendments made to sections 115, 118, 119 and 123 of the MR.