

Bill No. 29 of 1953

A BILL TO AMEND THE MINERAL TAXATION
ACT, 1947

NOTE

This Bill amends *The Mineral Taxation Act, 1947*, being chapter 10 of the Statutes of Alberta, 1947.

The definition of "mineral" in section 2 is amended slightly to conform to the provisions of *The Sand and Gravel Act*.

Section 4 of the Act provides for a tax on mineral rights throughout the Province and in subsection (3) exempts minerals the working of which is prohibited by *The Urban Mining Operations Act* and minerals under the right-of-way of a railway. This subsection has been rewritten. As only the working of coal is restricted now by *The Urban Mining Operations Act*, the amended subsection refers only to coal, and also the reference to right-of-way is omitted. Subsection (2) of section 4 was repealed in 1949 and now the former subsection (3) is renumbered as subsection (2).

Section 6 is amended. The effect of the amendment is to provide that an owner of a specified undivided interest of less than the whole in a mineral, is liable for the tax on the minerals in proportion to his interest, or in the minimum amount, whichever is the greater.

Section 8 provides for the taxation of the principal mineral in a producing area and refers to section 4. It was not clear in the reference whether both the taxing part and the exemption part of section 4 were included in the reference. In the amendment the reference is changed to refer only to the taxing part of section 4.

Section 9 of the Act provides varying methods for assessing the value of a principal mineral in a producing area where there is a well or mine or where there is not. Subsection (6) which contained special provisions applicable where the principal mineral is produced for the first time during the first four months of the year, is deleted.

Sections 10 and 15 refer to the certification of the assessment roll by the assessor. These references are amended so that it will be by the Chief Assessor that the assessment roll is certified.

Section 17*a* is new. Subsection (1) provides that with respect to an owner of a specified undivided interest of less than the whole in a mineral the tax may be levied and taken in the same manner as if he wholly owned the minerals

without reference to any other owner of an interest. Subsection (2) is the former section 6 modified to describe the circumstances more accurately.

Section 18 provides that a tax receipt or tax certificate is required when certain documents are presented for registration at the Land Titles Office. The amendment adds transmissions to those documents with which the receipt or certificate is required.

Section 23 of the Act authorizes the filing of a notification against the title to minerals where the taxes are in arrears and the subsequent taking of title if the taxes are not paid. Subsection (2) is amended similarly to the present provision in subsection (1e), to make it clear that the land titles fee for registering a discharge of the tax arrears notification must be paid in addition to the arrears of taxes where payment of taxes is made after the notification is placed on the title and before the mineral title is cancelled. A new subsection (3) is added also to provide that where minerals vest in Her Majesty the installations and fixtures including casing that may have been put in to work the minerals will also vest in the Crown.

This Bill comes into force upon assent but the new subsection (3) of section 23 will date back to the 31st of March, 1947.

J. W. RYAN,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 29 of 1953

An Act to amend The Mineral Taxation Act, 1947

(Assented to _____, 1953)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Mineral Taxation Act, 1947*, being chapter 10 of the Statutes of Alberta, 1947, is hereby amended.

2. Section 2, clause (f) is amended by striking out the words "but does not include earth, gravel and sand which form a portion of the surface of the land" and by substituting the words "but does not include sand and gravel that belong to the owner of the surface of land under *The Sand and Gravel Act*". Section 2
amended

3. Section 4 is amended by striking out subsection (3) and by substituting the following: Section 4
amended

"(2) No tax shall be payable under this section with respect to any coal

"(a) if no other mineral is included in the same certificate of title, and

"(b) if the mining of the coal is prohibited by the provisions of *The Urban Mining Operations Act*."

4. Section 6 is struck out and the following is substituted: Section 6
amended

"6. Where an owner is registered in a Land Titles Office as the owner of a specified undivided interest of less than the whole in a mineral or minerals, he shall be liable for tax under section 4 in an amount in proportion to his interest, or in the amount of the minimum tax prescribed by section 5, whichever is the greater." Owner of
specified
interest

5. Section 8 is amended by striking out the word and figure "section 4" and by substituting the words and figures "subsection (1) of section 4." Section 8
amended

6. Section 9 is amended by striking out subsection (6). Section 9
amended

7. Sections 10 and 15 are amended by striking out the word "assessor" wherever it occurs and by substituting the words "Chief Assessor". Sections 10
and 15
amended

New section
17a

8. The following new section is added immediately after section 17:

Owner of
specified
interest

"17a. (1) Where an owner is registered in a Land Titles Office as the owner of a specified undivided interest of less than the whole in a mineral or minerals, any assessment, taxation or proceedings, authorized with respect to a mineral or minerals by this Act, may be made, levied or taken with respect to his interest in the mineral or minerals in the same manner as if he wholly owned the mineral or minerals, without reference to any other owner of an interest in, or title affecting, the mineral or minerals.

Owner
jointly or in
common

"(2) Where more than one owner is registered in a Land Titles Office as the owner jointly or in common of a mineral or minerals, or as the owner jointly or in common of a specified undivided interest of less than the whole in a mineral or minerals, all such owners shall be regarded as one owner for the purposes of this Act."

Section 18
amended

9. Section 18 is amended by adding immediately after the words "of section 25)," the word "transmission,".

Section 23
amended

10. Section 23 is amended,

- (a) by adding immediately after the words "mineral or minerals", where they first occur in subsection (2), the words "and the fee of three dollars to discharge the tax arrears notification";
- (b) by adding immediately after subsection (2) the following new subsection:

Casing,
installations
and
fixtures
vested in
Her
Majesty

"(3) When any mineral or minerals, for which any prospecting, exploring, drilling or mining operations have at any time been conducted are vested in Her Majesty pursuant to subsection (2), all installations and fixtures including casing placed within, upon or under the tract in connection with such operations, and being there when the mineral or minerals are vested in Her Majesty, shall also vest in Her Majesty free and clear of all incumbrances and become the property of Her Majesty in the right of the Province as represented by the Minister irrespective of whether such casing, installations or fixtures may have been the property of the owner of the mineral or minerals and irrespective of whether any notice has been delivered or sent to any person owning or having any interest in the casing, installations or fixtures."

Coming
into force

11. This Act comes into force on the day upon which it is assented to and upon so coming into force clause (b) of section 10 shall be deemed to have been in force at all times on and after the thirty-first day of March, 1947.

No. 29

FIRST SESSION
TWELFTH LEGISLATURE
2 ELIZABETH II
1953

BILL

An Act to amend The Mineral
Taxation Act, 1947

Received and read the

First time

Second time.....

Third time

HON. MR. MANNING
