



Province of Alberta

## MINES AND MINERALS ACT

# **CROWN MINERALS REGISTRATION REGULATION**

### **Alberta Regulation 264/1997**

With amendments up to and including Alberta Regulation 245/2018

Current as of December 12, 2018

### Office Consolidation

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(Consolidated up to 245/2018)

**ALBERTA REGULATION 264/97**

**Mines and Minerals Act**

**CROWN MINERALS REGISTRATION REGULATION**

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**Definitions**

**1** In this Regulation,

(a) “Act” means the *Mines and Minerals Act*;

(b) “court order” means an order or judgment referred to in section 97(9)(b) or 99(1) of the Act;

(c) “document” means

(i) a transfer other than a ministerial transfer,

- (ii) a statutory notice, or
  - (iii) a statement of lien to which section 36 of the *Builders' Lien Act* applies, a notice of a change of address for service referred to in section 39 of that Act, a certificate of lis pendens under that Act, a discharge of a lien under that Act or a notice of withdrawal of a certificate of lis pendens under that Act;
- (d) “ministerial transfer”, in relation to an agreement, means
- (i) a transfer of the agreement or a specified undivided interest in the agreement made by the Minister pursuant to section 23(3) of the Act, or
  - (ii) a transfer of the agreement, a part of the location of the agreement or a specified undivided interest in the agreement made by the Minister pursuant to a judgment or order of a court;
- (e) “prescribed form”, in relation to a transfer or statutory notice, means the form of transfer or statutory notice, as the case may be, determined by the Minister pursuant to the Act;
- (f) “prescribed registration fee” means the fee prescribed in the Schedule to the *Mines and Minerals Administration Regulation* (AR 262/97);
- (g) “statutory notice” means
- (i) a security notice,
  - (ii) a notice of change of address for service referred to in section 95(8) of the Act, or
  - (iii) a notice referred to in section 96(1) of the Act.

AR 264/97 s1;251/2001

## Registration Generally

### Recording registration of documents

**2(1)** For the purposes of this Regulation, a document shall be considered as submitted to the Minister for registration when it is received in the document registration office of the Department, notwithstanding anything in section 5 of the *Mines and Minerals Administration Regulation* (AR 262/97).

**2(2)** When a document is submitted to the Minister for registration, the Minister shall assign a provisional registration number to the

document and record on the document the provisional registration number and the date on which it is assigned.

(3) The Minister shall keep a record of each document to which a provisional registration number has been assigned.

(4) If the registration of a document is refused by the Minister, the provisional registration number assigned to that document is automatically cancelled.

(5) If a document submitted to the Minister for registration is determined by the Minister as acceptable for registration, the Minister shall record the registration of the document and, on doing so, the provisional registration number becomes the registration number of the document.

(6) If registration of a document is recorded in accordance with subsection (5), registration of the document is effective as of the date on which the provisional registration number is assigned to the document.

(7) Any record required or permitted to be made by the Minister under this Regulation may be made in any manner that the Minister may determine.

#### **Registration of ministerial transfers**

**3(1)** When a ministerial transfer is made,

- (a) the Minister shall assign a registration number to the transfer and record on the transfer the registration number and the date on which it was assigned, and
- (b) the Minister shall record the registration of the transfer.

(2) When the registration of the ministerial transfer is recorded, the registration is effective as of the date on which the registration number is assigned to the transfer.

#### **Registration fees**

**4** The Minister may refuse to register a document submitted for registration unless the prescribed registration fee for that document has been paid to the Minister.

### **Transfers**

#### **Registration of transfers**

**5(1)** The Minister may refuse to register a transfer submitted for registration on any of the following grounds:

- (a) the transfer is not in the prescribed form or is not completed in accordance with the prescribed form;
  - (b) the transfer is not executed in the manner required by the prescribed form;
  - (c) the proof of execution of the transfer is not satisfactory to the Minister;
  - (d) the transfer would, if registered, result in the agreement being held by 2 or more lessees in a manner inconsistent with section 8 of the *Mines and Minerals Administration Regulation* (AR 262/97);
  - (e) the transfer would, if registered, result in one or more lessees holding less than a 1% undivided interest in the agreement;
  - (f) a specified undivided interest being conveyed by the transfer
    - (i) is expressed other than in decimal form, or
    - (ii) is expressed in decimal form but to more than 7 decimal places;
  - (g) the transferor or transferee is in default of payment of any debt owing to the Crown in right of Alberta or to a Provincial agency as defined in the *Financial Administration Act*;
  - (h) the transfer conveys part of the location of an agreement and the prescribed issuance fee for the new agreement resulting from the transfer has not been paid to the Minister.
- (2) A transfer shall not be registered if
- (a) a provision of the Act, the regulations under the Act or the agreement affected by the transfer requires the consent of the Minister to the transfer and the consent is refused or a decision respecting the consent has not yet been made, or
  - (b) the Minister has actual notice of a judgment or order of a court that prohibits the transfer or the registration of the transfer.

## Security Notices and Other Statutory Notices

### Registration of statutory notices

**6(1)** The Minister may refuse to register a statutory notice submitted for registration on any of the following grounds:

- (a) the statutory notice is not in the prescribed form for that notice or is not completed in accordance with that prescribed form;
- (b) the statutory notice is not executed in the manner required by the prescribed form for that notice;
- (c) the proof of execution of the statutory notice is not satisfactory to the Minister;
- (d) there is attached to the statutory notice the original or a copy of the security instrument, discharge, partial discharge, assignment, partial assignment, postponement or discharge of postponement to which the statutory notice relates.

**(2)** A statutory notice shall not be registered if the Minister has actual notice of a judgment or order of a court that prohibits the registration of that statutory notice.

**(3)** A security notice to which section 98(9) of the Act applies shall not be registered unless it is accompanied by a certified copy of the order of the Court of Queen's Bench granting permission for the submission of the security notice for registration.

AR 264/97 s6;251/2001;85/2016

### Statutory declaration under section 98(8) of the Act

**7** If a statutory declaration provided to the Minister pursuant to section 98(8) of the Act is satisfactory to the Minister, the Minister may record and register the statutory declaration under section 2 as though it were a document.

AR 264/97 s7;251/2001;156/2004

### Continuations of registration

**8** Where the registration of a security notice is continued in respect of a lease by reason of section 95(10) of the Act or in respect of a new agreement or consolidated agreement by reason of section 95(11) of the Act, the Minister shall make a record of the existing registration of the security notice and

- (a) any notice of partial discharge relating to that security notice,

- (b) any notice of postponement relating to that security notice, and
- (c) the most recently registered notice of assignment, if any, relating to that security notice,

with respect to that lease, new agreement or consolidated agreement, as the case may be.

AR 264/97 s8;251/2001;108/2004

#### **Cancellation of registration of security notice**

**9(1)** The Minister shall cancel the registration of a security notice after the registration of a notice of discharge of security interest that relates to the security interest that is the subject of the security notice.

**(2)** Cancellation of the registration of a security notice is effected,

- (a) in the case of a court order directing the cancellation, when a certified copy of the court order is registered, or
- (b) in the case of a cancellation pursuant to section 98(8) of the Act, when the statutory declaration provided to the Minister under that subsection is registered in accordance with section 7.

**(3)** Where the registration of a security notice is cancelled, the Minister shall record the cancellation on the security notice and delete the record of the registration.

**(4)** Where any registration of a statutory notice was made in error and is cancelled pursuant to section 99(2) of the Act, the Minister shall record the cancellation on the statutory notice or the certified copy of the court order, as the case may be, and delete the record of the registration.

AR 264/97 s9;251/2001;156/2004

#### **Maximum charge under section 97(7) of the Act**

**10** If a person is served with a demand for information under section 97(3) of the Act, the maximum charge that may be made under section 97(7) of the Act shall be \$1 for the first page and \$0.25 for each additional page of the security instrument concerned.

AR 264/97 s10;251/2001



### **Repeal**

#### **Repeal**

**11** The *Crown Land Registration Regulation* (AR 420/81) is repealed.

**12** Repealed AR 245/2018 s2.

### **Coming into Force**

#### **Coming into force**

**13** This Regulation comes into force on January 1, 1998.







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