

UNEDITED

The Mining, Smelting and Regining District Act

being

Chapter 335 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

1	Short title	9	Effect of award
		10	Agreements of settlement
	PART I		PART III
	Mining, Smelting and Refining District		Compensation without Arbitration
2	Creation of district	11	Agreement for compensation
3	No liability for damage occasioned by operations within district	12	Effect and extent of operation of agreement
	PART II	13	Registration of agreement
	Arbitration	14	Payment of compensation to be an answer to action
4	Appointment of arbitrator		PART IV
5	Jurisdiction of arbitrator		General
6	Notice of damage	15	Regulations
7	Investigation	16	<i>Coal Miners' Safety and Welfare Act</i>
8	Assessment of damage		

CHAPTER 335

An Act to provide Compensation for Damage cause by Mining, Smelting and Refining Operations

Short title

1 This Act may be cited as *The Mining, Smelting and Refining District Act*.

R.S.S. 1953, c.335, s.1.

PART I

Mining, Smelting and Refining District

Creation of district

2 There shall be set aside within the province as a mining, smelting and refining district within the meaning of this Act all that area included within the boundaries described as follows:

Commencing at the point of intersection of the South limit of Township Sixty-two produced Easterly with the East boundary of Saskatchewan, thence West along said South limit of Township Sixty-two to a point where such South limit intersects the West boundary of Range Thirty West of the First Meridian, thence South along the West boundary of said Range Thirty to the point of intersection with the South limit of Township Sixty-one, thence West along said South limit of Township Sixty-one, to a point where such South limit intersect the West boundary of Range Five West of the Second Meridian, thence North along the West boundary of said Range Five to the point of intersection with the South limit of Township Seventy-five, thence East along the said South limit of Township Seventy-five to its intersection with the East boundary of Saskatchewan, thence Southerly along the East boundary of Saskatchewan to the point of commencement.

R.S.S. 1940, c.263, s.2; R.S.S. 1953, c.335, s.2.

No liability for damage occasioned by operations within district

3 Notwithstanding anything contained in this Act, any person may erect, construct and maintain and operate within or partly within such district any works for the mining, smelting, refining and reduction of ores, minerals and metals, and such person shall not be liable for any damage occasioned directly or indirectly within the district by sulphur, smoke, metallic or other fumes, or impure waste or water discharged or released in the course of operating such works, and no action whether for an injunction or damages shall lie against any person for any damage so caused.

R.S.S. 1940, c.263, s.3; R.S.S. 1953, c.335, s.3.

PART II

Arbitration**Appointment of arbitrator**

4 The Lieutenant Governor in Council may appoint a judge of the Court of Queen's Bench or of a district court as an arbitrator for the purpose of this Act.

R.S.S. 1940, c.263, s.4; R.S.S. 1953, c.335, s.4.

Jurisdiction of arbitrator

5(1) Where damage is occasioned outside of the mining, smelting and refining district by sulphur, smoke, metallic or other fumes or discharge of water or waste from mining, smelting, refining or other reducing works for the treatment of ores, minerals and metals, when such works are within or partly within the district, whether the damage is occasioned to crops, trees and other vegetation or property, real or personal, directly or indirectly, the amount of the damage may be determined by the arbitrator so appointed, who shall have exclusive jurisdiction therein.

(2) The remedies provided by this Part shall be in lieu of all remedies to which any person would be entitled but for this Act, and no action shall be taken by way of injunction or for damages or otherwise.

R.S.S. 1940, c.263, s.5; R.S.S. 1953, c.335, s.5.

Notice of damage

6 Notice of the damage shall be mailed by the person aggrieved to the person offending within thirty days of its occurrence, otherwise the right to compensation shall cease.

R.S.S. 1940, c.263, s.6; R.S.S. 1953, c.335, s.6.

Investigation

7 Upon application being made to him the arbitrator shall make an investigation and keep a record of the facts as he finds them in connection with the complaint.

R.S.S. 1940, c.263, s.7; R.S.S. 1953, c.335, s.7.

Assessment of damage

8 At any time before the first day of November of the year in which the damage is alleged to have occurred, the complainant may, if the required notice has been given, appeal to the arbitrator to determine the proper compensation payable, and the arbitrator shall thereafter as soon as may be convenient notify both parties, hear such evidence as is available, assess the damage and make an award in writing.

R.S.S. 1940, c.263, s.8; R.S.S. 1953, c.335, s.8.

Effect of award

9 The award of the arbitrator shall be binding upon the parties and shall not be subject to appeal or be questioned or reviewed, restrained or removed by prohibition, injunction, certiorari or other process or proceeding in or into any court; and, on being filed in the office of the clerk of the district court of the judicial district in which the damage occurred, such award shall, for the purpose of issuing execution thereon, have the same force and effect as a judgment of the court.

R.S.S. 1940, c.263, s.9; R.S.S. 1953, c.335, s.9.

Agreements of settlement

10 Nothing in this Part shall prevent the person aggrieved and the person offending from arriving at a mutually satisfactory settlement without arbitration.

R.S.S. 1940, c.263, s.10; R.S.S. 1953, c.335, s.10.

PART III

Compensation without Arbitration**Agreement for compensation**

11 The owner or operator of any mining, smelting, refining or other reducing works, or any person who contemplates acquiring or operating such works, may make an agreement with the owner or lessee of any land situated outside the district created by section 2 for payment of compensation to him for damage or injury resulting or likely to result to the land, or its use and enjoyment, from the operation of the works.

R.S.S. 1940, c.263, s.11; R.S.S. 1953, c.335, s.11.

Effect and extent of operation of agreement

12 Such agreement shall, if so expressed therein, bind and inure to the benefit of the heirs, executors, administrators and assigns, or the successors and assigns, of the parties thereto, and may relate not only to works then in operation but also to works which may thereafter be established or acquired within an area specified in the agreement by the party paying the compensation.

R.S.S. 1940, c.263, s.12; R.S.S. 1953, c.335, s.12.

Registration of agreement

13(1) An original of the agreement, with proof of the due execution thereof, shall be registered or filed in the land titles office for the land registration district in which the land affected is situated, and, where a certificate of title has been issued, or when a certificate of title is issued for the lands affected, the registrar shall enter upon the certificate of title a memorandum to the following effect:

“The title of the above owner is subject to the terms and conditions of an agreement dated the _____ day of _____, 19____, entered into between _____ and _____ under the provisions of section 11 of *The Mining, Smelting and Refining District Act*.

Registered at _____ o'clock _____, the _____ day of _____, 19____, No._____.
_____ Registrar”.

(2) Any subsequent agreement cancelling any agreement so registered or filed shall be registered or filed in like manner.

R.S.S. 1940, c.263, s.13; R.S.S. 1953, c.335, s.13.

Payment of compensation to be an answer to action

14 The payment of compensation under such agreement shall afford a complete answer to any action which may be brought for damages or for an injunction or to any claim made under Part II of this Act in respect of any matter for which compensation has been made.

R.S.S. 1940, c.263, c.14; R.S.S. 1953, c.335, s.14.

PART IV**General****Regulations**

15 The Lieutenant Governor in Council may make regulations for the better carrying out of this Act.

R.S.S. 1940, c.263, s.15; R.S.S. 1953, c.335, s.15.

Coal Miners' Safety and Welfare Act

16 Nothing contained in this Act shall in any way limit, alter or derogate from the powers vested in the Lieutenant Governor in Council under *The Coal Miners' Safety and Welfare Act* and any amendments thereto.

R.S.S. 1940, c.263, s.16; R.S.S. 1953, c.335, s.16.