

# *The Mineral Taxation Act*

*being*

Chapter 64 of *The Revised Statutes of Saskatchewan, 1965*  
(effective February 7, 1966).

FOR HISTORICAL REFERENCE ONLY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.

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## CHAPTER 64

### An Act to provide for the Taxation of Minerals

#### SHORT TITLE

##### Short title

1 This Act may be cited as *The Mineral Taxation Act*.

R.S.S. 1965, c.64, s.1.

#### INTERPRETATION

##### Interpretation

2 In this Act:

##### “assessor”

(a) “**assessor**” means the person appointed as assessor for the purposes of this Act;

##### “certificate of title”

(b) “**certificate of title**” means a certificate of title granted pursuant to the provisions of *The Land Titles Act*;

##### “department”

(c) “**department**” means the Department of Mineral Resources;

##### “mineral”

(d) “**mineral**” means the right existing in any person by virtue of a certificate of title to work, win and carry away any mineral or minerals within, upon or under the area described in the certificate of title, and also any mineral or minerals within, upon or under any land, but does not include such right or any mineral or minerals within, upon or under:

(i) the land comprised in the right of way, station grounds, yards or terminals of any railway;

(ii) the land within the limits of any city, town or village; or

(iii) any area of land which has been subdivided into lots intended for residential or business purposes or both, or for a cemetery, and a plan of which has been registered in the land titles office of the land registration district in which it is situated;

##### “Mineral Tax Administrator”

(e) “**Mineral Tax Administrator**” means the officer in charge of mineral taxation in the department;

##### “minister”

(f) “**minister**” means the Minister of Mineral Resources;

**“owner”**

(g) **“owner”** means a person who is registered in a land titles office as the owner of any mineral or minerals whether or not the title thereto is severed from the title to the surface; provided that where:

(i) such mineral or minerals have heretofore been or are hereafter sold under *bona fide* agreement of sale under the terms of which the purchaser became or becomes liable for payment of all taxes rated, assessed or levied upon or in respect of the mineral or minerals, or upon the land within, upon or under which the mineral or minerals are situated, after the date of execution of the agreement or after a date specified in the agreement; and

(ii) the vendor or the purchaser or the successor in interest or assignee of either of them has given to the minister written notice of such agreement of sale and of any assignment thereof;

**“owner”** shall mean the purchaser under such agreement of sale or the successor in interest or assignee of such purchaser, and such purchaser, successor in interest or assignee shall be deemed to have been the owner on, from and after the date of execution of the agreement or on, from and after such other date as may be specified in the agreement with respect to payment of taxes;

provided further that the foregoing proviso shall not apply where The Director, The Veterans' Land Act, appointed pursuant to the *Veterans' Land Act* (Canada) is the vendor and a veteran qualified to participate in the benefits of the said Act is the purchaser unless the agreement of sale has heretofore been or is hereafter assigned by the purchaser to a person who is not such a veteran, and where the agreement has been or is so assigned the foregoing proviso shall apply except that the assignee shall be deemed to have been the owner only on, from and after the date on which he became liable for payment of the taxes mentioned in clause (i) or any of them;

**“parcel of land”**

(h) **“parcel of land”** means all the separately described areas, within the boundaries of a section according to the system of surveys under *The Land Surveys Act* or within the boundaries of a river lot, which are contiguous and in respect of which the same person is the owner of the minerals. For the purpose of this paragraph, separately described areas which have at least part of their boundaries in common or which are separated only by a highway, road or railway right of way shall be deemed to be contiguous, and separately described areas adjoining at only one point shall be deemed to be not contiguous;

**“plan”**

(i) **“plan”** means a unit operation order made under section 35 of *The Oil and Gas Conservation Act*, a voluntary pooling agreement entered into under subsection (1) of section 30 of *The Oil and Gas Conservation Act* or a pooling order made under subsection (5) of section 30 of *The Oil and Gas Conservation Act*;

**“principal mineral”**

(j) **“principal mineral”** means:

(i) the right existing in any person by virtue of a certificate of title to work, win and carry away any coal, petroleum, natural gas, potash or such other mineral as may be specified by the Lieutenant Governor in Council, within, upon or under the area described in the certificate of title;

(ii) any coal, petroleum, natural gas, potash or such other mineral as may be specified by the Lieutenant Governor in Council, within, upon or under any land;

and the exception provided for in clause (d) with respect to the lands mentioned in subclauses (i), (ii) and (iii) thereof does not apply in the case of a principal mineral;

**“producing area”**

(k) **“producing area”** means any portion of the province declared under section 6 to be a producing area for the purposes of this Act;

**“producing tract”**

(l) **“producing tract”** means:

(i) a tract in which or in respect of which is situated a mine or well from which any principal mineral:

(A) is being produced or has at any time been produced; or

(B) is, by virtue of an order of the Lieutenant Governor in Council, deemed to be produced or to have at any time been produced;

(ii) a tract or the portion of a tract included in an area in respect of which there exists:

(A) a plan; or

(B) a unit operation agreement; or

(C) any other arrangement or agreement for the production of a principal mineral or for the allocation of royalty on that production;

under which a principal mineral is being or has at any time been produced from a mine or well;

**“tract”**

(m) **“tract”** means the area described in a certificate of title.

R.S.S. 1953, c.59, s.2; 1957, c.24, s.2; 1965, c.23, s.2; R.S.S. 1965, c.64, s.2.

## ACREAGE TAX

### Imposition of tax

3(1) Every owner of minerals, whether of all kinds or only one or more kinds, within, upon or under any land not situated within a producing area, shall be liable for and shall on or before the thirty-first day of December in each year pay to the minister a tax at the rate of three cents for every acre and every fraction of an acre of such land in respect of which he is such owner.

(2) For the purpose of determining the number of acres of land for which an owner is liable for the tax imposed by the foregoing subsection the following rules apply unless the number of acres is otherwise determined to the satisfaction of the minister:

1. where the number of acres in respect of which minerals are owned is specified in the certificate of title, that number less the number of acres specified in any exception set forth in the certificate of title shall be deemed to be the number of acres for which the tax shall be paid;

2. where the number of acres in respect of which minerals are owned is not specified in the certificate of title the number of acres for which the tax shall be paid shall:

(a) where the land is described as a section, half section, quarter section, legal subdivision or river lot, be deemed to be 640, 320, 160, 40 and 160 respectively;

(b) where the land, other than land described as a half section or quarter section, is described as a fraction of a section, half section, quarter section or legal subdivision, be deemed to be the number bearing the same ratio to the number of acres in the section, half section, quarter section or legal subdivision as the fraction bears to 1;

less the number of acres specified in any exception set forth in the certificate of title;

3. where the number of acres in respect of which minerals are owned is not specified in the certificate of title and the land is not described as a section, half section, quarter section, legal subdivision or river lot or as a fraction of a section, half section, quarter section or legal subdivision, the number of acres for which the tax shall be paid shall be deemed to be 80;

4. where the number of acres covered by an exception set forth in the certificate of title is not specified in the certificate of title, the exception shall not be taken into consideration in determining the number of acres for which the tax shall be paid.

(3) For the purpose of this section coal shall be deemed not to be a mineral.

(4) Subsection (1) does not apply to an owner who is an individual.

R.S.S. 1953, c.59, s.3; 1954, c.18, s.2; 1956, c.13, s.2 ; 1965, c.23, s.3; R.S.S. 1965, c.64, s.3.

#### **Minimum tax**

4 If the tax payable by an owner under section 3 in respect of acreage included in any one certificate of title is less than \$1 the amount payable in respect of such acreage shall be \$1.

R.S.S. 1953, c.59, s.4; R.S.S. 1965, c.64, s.4.

#### **Liability for arrears in certain cases**

5 Notwithstanding anything in this or any other Act, where, at the time a certificate of title to minerals or to any interest in minerals, whether of all kinds or only one or more kinds, within, upon or under any land not situated within a producing area is issued, the tax or any part of the tax imposed by section 3 in respect of such minerals remains unpaid the following provisions apply:

1. if the certificate of title certifies ownership of the whole interest in the minerals of all kinds the owner shall be liable for the payment of all the arrears of taxes;

2. if the certificate of title certifies ownership of the whole interest in one or more, but not all, kinds of minerals the owner of the mineral or minerals the ownership of which is certified by the certificate of title and the owner of the other minerals within, upon or under the same land shall each be liable for the payment of, and shall each pay, all the arrears of taxes;

3. if the certificate of title certifies ownership of an undivided fractional interest in any mineral or minerals and does not include ownership of the whole interest in any mineral or minerals the owner shall be liable for the payment of the portion of the arrears of taxes bearing the same ratio to the full amount of the arrears as the fraction representing his interest bears to 1.

1955, c.23, s.1; R.S.S. 1965, c.64, s.5.

## TAXATION IN PRODUCING AREAS

### Power to establish producing areas

6(1) The Lieutenant Governor in Council may from time to time by order declare that any portion of the province designated in the order shall constitute a producing area for the purposes of this Act, and may from time to time by order increase, decrease or abolish any producing area.

(2) In an order made under subsection (1), or by a separate order relating to an order heretofore or hereafter made under subsection (1), the Lieutenant Governor in Council may designate the mineral or minerals in respect of which the portion of the province therein described is being or was constituted a producing area, and in such case an owner whose title does not include the mineral or any of the minerals so designated shall, for the purposes of this Act, be deemed to be an owner of minerals within, upon or under land not situated within a producing area and shall be liable for the tax imposed by section 3, and section 4 shall apply to such tax.

(3) All orders under subsection (1) or (2) shall be published in *The Saskatchewan Gazette*.

(4) An order under subsection (1) shall take effect on the date of such publication or on such later date as may be named in the order for the purpose, and a separate order under subsection (2) shall take effect on the date of such publication or on such date, either prior or subsequent thereto, as may be named in the order for the purpose.

R.S.S. 1953, c.59, s.5; R.S.S. 1965, c.64, s.6.

### Imposition of tax

7 Every owner whose name appears on the assessment roll mentioned in section 8 shall be liable for and shall on or before the thirty-first day of December in each year pay to the minister a tax at such rate as the Lieutenant Governor in Council may from time to time prescribe not exceeding ten mills on the dollar of the assessed value of his minerals as shown on the assessment roll subject to any changes made on appeal.

R.S.S. 1953, c.59, s.6; R.S.S. 1965, c.64, s.7.

### Assessment

8(1) As soon as possible in each year but not later than the thirtieth day of June the assessor shall, subject to subsection (2) of section 6, assess at their fair value all minerals within, upon or under any parcel of land situated within a producing area and within the boundaries of which land minerals are then being produced or to the knowledge of the assessor have at any time been produced, and shall prepare an assessment roll in which shall be set out as accurately as possible a brief description of each such parcel of land, a brief description of the minerals assessed, the names and addresses of the owners of the minerals and the assessed value thereof.

(2) In making such assessments the assessor may take any steps which he in his discretion considers necessary for the purpose of ascertaining the fair value of the assessed minerals, and for that purpose may resort to all sources of available information, and may fix the amount which appears to him to be just and equitable.

R.S.S. 1953, c.59, s.7; R.S.S. 1965, c.64, s.8.

#### Information for assessor

**9(1)** Every owner of minerals within, upon or under any parcel of land situated within a producing area shall give to the assessor all information necessary to enable him to prepare the assessment roll; but no statement made by any person shall bind the assessor or excuse him from making inquiry as to its correctness.

(2) If an owner fails upon demand to give such information to the assessor or wilfully furnishes to the assessor false information, he is guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

R.S.S. 1953, c.59, s.8; R.S.S. 1965, c.64, s.9.

#### Certificate as to completion of roll

**10** Upon the completion of the assessment roll the assessor shall endorse thereon or attach thereto a certificate setting out the date upon which the roll was completed, and sign the roll and deliver it to the minister.

R.S.S. 1953, c.59, s.9; R.S.S. 1965, c.64, s.10.

#### Posting of roll

**11(1)** The minister shall as soon as possible after delivery to him of the assessment roll cause a copy of the roll and the certificate to be posted in a conspicuous place in any part of the offices of the department to which the public have access, and shall keep it so posted for twenty days.

(2) There shall be attached to the copy of the roll so posted a certificate by the assessor or any officer of the department stating the date on which the copy was posted.

R.S.S. 1953, c.59, s.10; R.S.S. 1965, c.64, s.11.

#### Mailing of assessment notice

**12(1)** The minister shall within ten days after the posting of the assessment roll cause to be sent by mail to every owner whose name appears on the roll a notice of his assessment, a copy of section 14 and a form of the notice of appeal mentioned therein.

(2) Every notice of assessment shall state the particulars appearing in the assessment roll with respect to the minerals assessed, the amount of the tax payable and the last date upon which an appeal may be lodged with the Saskatchewan Assessment Commission, which date shall be not less than twenty days after the date of the mailing of the notice of assessment.

(3) The entry in the roll of the date of the mailing of the notice followed by the initials of an officer of the department shall be *prima facie* evidence of the mailing of the notice on the date entered without proof of the appointment or signature of such officer.

R.S.S. 1953, c.59, s.11; R.S.S. 1965, c.64, s.12.



**Error in form of assessment notice**

**13** No assessment shall be invalidated by reason of an error, omission or misdescription in an assessment notice, or by reason of the non-receipt of such notice by the person to whom it is addressed.

R.S.S. 1953, c.59, s.12; R.S.S. 1965, c.64, s.13.

**Appeal to Saskatchewan Assessment Commission**

**14** If any person thinks that he or any other person has been wrongly assessed or assessed too high or too low or that his name or the name of any person has been wrongly inserted in or omitted from the roll, he may, within the time limited in his notice of assessment as provided in subsection (2) of section 12, appeal to the Saskatchewan Assessment Commission by sending to or leaving with the secretary of the commission a notice of appeal (form A) containing the particulars and grounds of his appeal and a post office address to which any notice required to be given to him may be sent.

R.S.S. 1953, c.59, s.13; R.S.S. 1965, c.64, s.14.

**Notice of hearing**

**15** The commission shall fix a day and place for hearing appeals and the secretary shall forthwith notify the assessor and every appellant and every other person whose assessment is affected thereby, of the time and place of the sitting of the commission to hear the appeals.

R.S.S. 1953, c.59, s.14; R.S.S. 1965, c.64, s.15.

**Hearing and adjournment**

**16** At the time and place fixed by it, the commission shall proceed to hear the appeals, and may adjourn the hearing from time to time and may defer decision thereon at its pleasure.

R.S.S. 1953, c.59, s.15; R.S.S. 1965, c.64, s.16.

**Production of assessment roll**

**17** The assessor shall appear at the hearing and produce the assessment roll and all papers and writings in his custody connected with the matter of appeal.

R.S.S. 1953, c.59, s.16; R.S.S. 1965, c.64, s.17.

**Decision final**

**18** The decision of the commission shall be final and conclusive.

R.S.S. 1953, c.59, s.17; R.S.S. 1965, c.64, s.18.

**Amendment of roll**

**19** When the appeals have been heard and decided, the assessment roll shall be confirmed, altered or amended according to the decision of the commission, and the chairman shall write his initials opposite any part of the roll in which any mistake, error or omission is corrected or supplied.

R.S.S. 1953, c.59, s.18; R.S.S. 1965, c.64, s.19.

**Binding effect of assessment roll**

**20** The assessment roll as thus confirmed, altered or amended shall be valid and bind all parties concerned, notwithstanding any defect or error committed in or with regard thereto or any defect, error or mis-statement in any notice required by this Act or any omission to deliver or transmit any such notice.

R.S.S. 1953, c.59, s.19; R.S.S. 1965, c.64, s.20.

**Costs**

**21(1)** The costs of proceedings before the commission shall be paid by or apportioned between the parties in such manner as it thinks proper; and where costs are ordered to be paid by an appellant, payment of the same may be enforced by execution, to be issued in the same manner as upon a judgment for costs in the district court.

(2) The costs chargeable or to be awarded in any case shall be the costs of witnesses and of procuring their attendance and none other, the same to be taxed according to the allowance in the district court; and in cases where execution issues the costs thereof as in the like court and of enforcing the same may also be collected thereunder.

R.S.S. 1953, c.59, s.20; R.S.S. 1965, c.64, s.21.

**Filing of decisions**

**22** The clerk of the district court shall, at the request of the commission or of any party interested, file the orders and decisions of the commission in the same manner as if they were orders or decisions of the court.

R.S.S. 1953, c.59, s.21; R.S.S. 1965, c.64, s.22.

**Imposition of tax on acreage in producing area where minerals not assessed**

**23** Subject to subsection (2) of section 6, every owner of minerals, whether of all kinds or only one or more kinds, within, upon or under any land situated within a producing area shall be liable for and shall, on or before the thirty-first day of December in each year in which such minerals have not been assessed under the provisions of this Act, pay to the minister a tax at the rate of fifty cents for every acre and every fraction of an acre of such land in respect of which he is such owner.

R.S.S. 1953, c.59, s.22; R.S.S. 1965, c.64, s.23.

**Minimum tax in producing area**

**24** If the tax payable by an owner under section 7 in respect of minerals, or under section 23 in respect of acreage, included in any one certificate of title is less than \$1 the amount payable in respect of such minerals or acreage shall be \$1.

R.S.S. 1953, c.59, s.23; R.S.S. 1965, c.64, s.24.

**TAXATION IN PRODUCING TRACTS****Power to require payment of tax**

**25(1)** Notwithstanding anything in this Act, the Lieutenant Governor in Council may by order require every owner of a principal mineral in a producing tract to pay to the minister a tax computed on the value of the principal mineral at such rate, not exceeding ten mills on the dollar, as the Lieutenant Governor in Council may from time to time by order prescribe.

(2) An order made under subsection (1) shall be in force and effect for the year specified in the order and for each subsequent year; provided that the Lieutenant Governor in Council may amend, alter, vary or rescind the order or make another order in substitution therefor but no order altering the mill rate of a tax payable pursuant to an order made under subsection (1) shall be made after the thirtieth day of June in the year in which the tax is payable.

(3) The value of the principal mineral shall be determined annually by the minister in such manner as the Lieutenant Governor in Council may by order prescribe.

(4) The tax payable pursuant to an order made under this section shall be paid on or before the thirty-first day of December in each year.

(5) The tax payable pursuant to an order made under this section shall be in addition to and not in substitution for the tax imposed by sections 3 and 4.

(6) Where a tax in respect of a principal mineral in a producing tract is payable pursuant to an order made under this section no tax shall be payable under section 7 or 23 in respect of the same mineral in that tract.

(7) All orders made under this section shall be published in the *Gazette*.

1957, c.24, s.3; R.S.S. 1965, c.64, s.25.

#### Minimum tax

**26** If the tax payable by an owner pursuant to an order made under section 25 in respect of any principal mineral is less than \$1 the amount of the tax payable in respect of such principal mineral shall be \$1.

1957, c.24, s.3; R.S.S. 1965, c.64, s.26.

#### Appeal to Saskatchewan Assessment Commission

**27(1)** Where there is a dispute with respect to the amount of the tax payable by an owner pursuant to an order made under section 25 or with respect to any other matter relating to the tax, the owner may, not later than thirty days after the end of the year in which the tax became due and payable, appeal to the Saskatchewan Assessment Commission by sending to or leaving with the secretary of the commission a notice of appeal containing the particulars and grounds of his appeal and a post office address to which any notice required to be given to him may be sent.

(2) The commission shall fix a day and place for hearing appeals and the secretary shall forthwith notify the Mineral Tax Administrator and every appellant of the time and place of the sitting of the commission to hear the appeals.

(3) At the time and place fixed by it, the commission shall proceed to hear the appeals and may adjourn the hearing from time to time and may defer decision thereon at its pleasure.

(4) The Mineral Tax Administrator shall appear at the hearing and produce all papers and writings in his custody connected with the matter of appeal.

(5) The decision of the commission shall be final and conclusive.

(6) Sections 21 and 22 shall apply *mutatis mutandis* with respect to proceedings before the commission under this section and with respect to orders and decisions of the commission.

1957, c.24, s.3; R.S.S. 1965, c.64, s.27.

## RECOVERY OF TAX

**Taxes a lien on minerals**

**28** The taxes payable under this Act shall be a special lien upon the mineral or minerals in respect of which they are payable having priority over any claim, lien, privilege or encumbrance thereon except a tax levied prior to the year 1945 pursuant to any *Rural Municipality Act* or *Local Improvement Districts Act*.

R.S.S. 1953, c.59, s.24; R.S.S. 1965, c.64, s.28.

**Certain taxes recoverable as debts**

**29** The taxes payable under this Act in respect of any mineral or minerals the title to which is severed from the title to the surface are debts due to Her Majesty and recoverable as such from the owner of the mineral or minerals in any court of competent jurisdiction or in any other manner provided by this Act.

R.S.S. 1953, c.59, s.25; R.S.S. 1965, c.64, s.29.

**Distress for taxes**

**30(1)** Without in any way prejudicing or affecting the special lien created by section 28, if the owner of any mineral or minerals the title to which is severed from the title to the surface fails to pay any tax or any part of any tax imposed by this Act in respect of the mineral or minerals on or before the thirty-first day of January of the year next following the year in which the tax became due and payable, any person to whom the minister issues a warrant for the purpose may collect the tax or any portion thereof, together with costs, by distress and sale of the goods and chattels of the defaulter wherever found.

(2) Notwithstanding anything in subsection (1), no distress or sale shall be made of goods or chattels which are the subject of a valid and subsisting lien in favour of a vendor for the price or a part of the price thereof, but the interest of the defaulter in such goods and chattels shall be liable to distress and sale.

(3) Where there is a chattel mortgage on goods or chattels which would be liable to distress and sale under this section if they had not been mortgaged, the chattel mortgage shall not, for the purpose of this section, be deemed to transfer the goods or chattels to the mortgagee, and for such purpose the ownership of the goods or chattels shall be deemed to have remained in the mortgagor.

(4) The costs chargeable on a distress and sale under this section shall not exceed the following:

1. Warrant to agent ..... \$ .25
2. Levying distress ..... .50
3. One man keeping possession, per day ..... 1.00
4. The actual expenses reasonably incurred in removing and keeping the goods distrained when such removal is necessary.
5. For mileage, every mile necessarily travelled and sworn to in going to and returning from the place of execution in making seizure or sale of goods, per mile ..... .09
6. All reasonable and necessary disbursements for, advertising sale of the goods distrained.

- (5) The person to whom a warrant is issued pursuant to subsection (1) shall have the same right as a landlord under *The Landlord and Tenant Act* to break open and enter a building, yard or place to which goods and chattels of the defaulter have been fraudulently or clandestinely conveyed, and to take and seize such goods and chattels as he might otherwise have done.
- (6) The person effecting seizure of goods and chattels shall give notice thereof to the defaulter by personal service or by sending by registered mail a copy of the notice to the defaulter at the address shown in the certificate of title or in any of the certificates of title covering the minerals in respect of which the tax sought to be recovered is unpaid.
- (7) The minister may release goods and chattels held under seizure after a part of the claim in respect of which seizure was made has been satisfied, without prejudice to his right to recover for the balance of the claim.
- (8) The Crown shall not be responsible for the loss or destruction of goods and chattels while under seizure unless the loss or destruction is due to the negligence of the minister or his servants.
- (9) The person effecting seizure shall, by advertisement posted in at least five widely separated conspicuous places in the district in which the seizure was made, give at least ten days' notice of the time and place of sale and at the time and place stated in the notice he, or any other person designated by the minister, shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary to pay the taxes unpaid with all lawful costs including \$2 for posting notices.
- (10) Notwithstanding anything in *The Auctioneers Act*, the person selling goods and chattels pursuant to subsection (9) shall not be required to obtain an auctioneer's licence for the purpose of the sale.
- (11) If the property distrained has been sold for more than the amount of taxes and costs, and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him, or that he was entitled by lien or other right to the surplus, it shall be paid to the person in whose possession the property was when the distress was made.
- (12) If a claim to the surplus is made and the claim is contested the surplus shall be paid to the local clerk of the district court at the judicial centre nearest to which the distress was made, who shall retain it until the respective rights of the parties have been determined by action at law or otherwise.

R.S.S. 1953, c.59, s.26; R.S.S. 1965, c.64, s.30.

**Payment out of property under seizure, etc.**

**31** Where personal property liable to seizure for taxes as hereinbefore provided is under seizure or attachment or has been seized by the sheriff or by a bailiff, or is claimed by or in possession of any assignee for the benefit of creditors or a liquidator or any trustee or authorized trustee in bankruptcy, or where such property has been converted into cash and is undistributed, it shall be sufficient for the minister to, and he shall, give to the sheriff, bailiff, assignee, liquidator or trustee or authorized trustee in bankruptcy, notice of the amount due for taxes, and in such case the sheriff, bailiff, assignee, liquidator or trustee or authorized trustee in bankruptcy shall pay the amount of the same to the minister in preference and priority to all other fees, charges, liens or claims whatever except a claim for taxes levied prior to the year 1945 pursuant to any *Rural Municipality Act* or *Local Improvement Districts Act* and, where there has been a seizure, the fees of the sheriff or bailiff making the seizure.

R.S.S. 1953, c.59, s.27; R.S.S. 1965, c.64, s.31.

**FORFEITURE****Forfeiture proceedings**

**32(1)** If any tax or any part of any tax payable under this Act or pursuant to an order made under this Act remains unpaid on the thirty-first day of May in the year next following the year in which the tax became due and payable the Mineral Tax Administrator shall, as soon as possible after that date, in form B demand from the registrar of the proper land titles office:

- (a) an abstract of the certificate of title by which ownership of the minerals in respect of which the default occurred and other minerals, if any, is certified; and
  - (b) a general registration certificate in respect of the registered owner of such minerals.
- (2) The registrar shall issue the abstract and general registration certificate so demanded and thereupon he shall endorse on the certificate of title a memorandum (form C) giving warning of impending forfeiture of such minerals.
- (3) Upon receipt of the abstract and general registration certificate, the Mineral Tax Administrator shall cause to be sent by registered mail to the owner of such minerals and to each person other than the owner who appears by the abstract or general registration certificate to have any interest in such minerals a notice stating that unless the arrears, together with the costs prescribed by subsection (6), are paid on or before a date to be specified in the notice, which date shall be not less than six months after the date of the mailing of the notice, such minerals will be forfeited to and become the property of the Crown in right of Saskatchewan.
- (4) Where the whereabouts of the owner is unknown after all reasonable efforts have been made to ascertain his address, or if the owner is dead, the Mineral Tax Administrator shall also cause the notice mentioned in subsection (3) to be published in two consecutive issues of each of two newspapers published in Saskatchewan and circulating in the area in which the minerals described in the notice are situated, and such publication shall be deemed to be sufficient service of the notice on the owner.

(5) The cost of publication of the notice in the newspapers shall be added to and form part of the tax.

(6) The notice shall contain a description of such minerals and the land within, upon or under which they are situated and a statement of the amount of the arrears and of the costs of the forfeiture proceedings, which costs other than the cost of publication of a notice pursuant to subsection (4) shall be \$6 and shall, for the purposes of this Act, be deemed to be part of the arrears.

(7) If, on or before the date specified in the notice, the amount of the arrears is paid in full the Mineral Tax Administrator shall forward to the registrar a request (form D) for cancellation of the memorandum endorsed on the certificate of title pursuant to subsection (2) and upon receipt of the request the registrar shall forthwith cancel the memorandum.

1957, c.24, s.4; 1960, c.16, s.2; R.S.S. 1965, c.64, s.32.

#### Issue of title to Crown

**33(1)** If the amount of the arrears or any part thereof, remains unpaid on the date specified in the notice under section 32, the minister may forward to the registrar of the proper land titles office a copy of the notice together with an affidavit by a person having knowledge of the facts setting forth that the notice was sent by registered mail to each person referred to in subsection (3) of section 32 in accordance with the requirements of that section and, where such is the case, that the notice was published in accordance with subsection (4) of section 32.

(2) Upon receipt of the documents mentioned in subsection (1) the registrar shall issue to Her Majesty the Queen in right of Saskatchewan a certificate of title, free and clear of all endorsements, including endorsements in favour of Her Majesty the Queen in right of Saskatchewan, to the minerals described in the notice and being within, upon or under the land described in the notice.

(3) Subsections (4) and (5) of section 60 of *The Land Titles Act* do not apply to certificates of title issued under subsection (2) of this section, and section 71 of the said Act does not apply to the minerals within, upon or under the land mentioned in any certificate of title issued under subsection (2) of this section.

R.S.S. 1953, c.59, s.29; 1954, c.18, s.3; 1957, c.24, s.5; 1960, c.16, s.3; R.S.S. 1965, c.64, s.33.

#### Issue of title final and binding

**34** A notice pursuant to section 32 shall not be invalidated by reason of the non-receipt of the notice by the person to whom it is addressed or by reason of publication of the notice in accordance with subsection (4) of section 32 not having come to the attention of the owner, and the affidavit mentioned in subsection (1) of section 33 shall be deemed to be conclusive evidence that the person named therein has been served with the notice or that the notice has been published in accordance with section 32 and the certificate of title issued to Her Majesty under section 33 shall be final and binding and not open to question in any court.

1960, c.16, s.4; R.S.S. 1965, c.64, s.34.



**Revesting of coal in certain cases**

**35** Where a certificate of title is issued to Her Majesty under section 33 by reason of the non-payment of the tax or any part of the tax payable under section 3 or 4 and the certificate of title includes coal, the minister shall, upon the application of the immediately preceding owner of the coal at any time within five years after the date of the issue of the certificate of title, cause the coal to be revested in the said owner subject to any lease or other disposition of the coal made after the certificate of title was issued.

1956, c.13, s.3; 1960, c.16, s.4; R.S.S. 1965, c.64, s.35.

**GENERAL****Payment of tax where notice of agreement of sale given**

**36** Where, pursuant to the first proviso to clause (g) of section 2, written notice of an agreement of sale of any mineral or minerals and of any assignment of such agreement has been given to the minister, the payment of all taxes payable under this Act in respect of such mineral or minerals after the date of execution of the agreement or after such other date as may be specified in the agreement with respect to payment of taxes, and remaining unpaid, shall be the obligation of the owner as defined in the said proviso:

Provided that where any taxes payable under this Act in respect of such mineral or minerals after the date of execution of the agreement or after such other date as may be specified in the agreement with respect to payment of taxes have been paid by any person other than the owner as defined by the said proviso the taxes so paid shall be deemed to have been paid on behalf of such owner.

R.S.S. 1953, c.59, s.30; R.S.S. 1965, c.64, s.36.

**Payment of tax by mortgagees, lienholders, execution creditors, or certain municipalities**

**37(1)** A mortgagee of land, the holder of a registered mechanic's lien, an execution creditor and a municipality which has caused or causes a tax lien to be filed under any *Tax Enforcement Act* in respect of taxes levied in the year 1944 or any previous year, shall respectively have the right to pay any tax or any part of any tax payable under this Act in respect of minerals within, upon or under the land against which the mortgage or mechanic's lien is registered or which is bound by the writ of execution or against which the tax lien is filed.

(2) No interest shall be allowed upon any amount paid pursuant to subsection (1) if paid before the twenty-first day of December in the year in which the tax or part of the tax so paid becomes due and payable.

(3) A mortgagee who pays any tax or any part of any tax payable under this Act may add the amount paid to the sum secured by the mortgage and such amount, if paid after the twentieth day of December of the year in which the amount becomes due and payable, shall bear interest at the mortgage rate and otherwise be subject to all the terms and conditions of the mortgage.



(4) The holder of a registered mechanic's lien who pays any tax or any part of any tax payable under this Act may file with the registrar his receipt for the amount paid by him, and the registrar shall thereupon note upon the claim of lien filed the date of payment and the amount paid. The amount of the lienholder's claim shall be increased by that amount, and the rights of the lienholder and of all other parties shall be such as they would have been if the amount of the addition had been originally included in the claim of lien and had been justly due for work or services done or materials placed or furnished.

(5) An execution creditor who pays any tax or any part of any tax payable under this Act may file the receipt for the amount paid with the sheriff who shall thereupon add such amount to the sum remaining unpaid under the execution. The amount so added, if paid after the twentieth day of December of the year in which the amount becomes due and payable, shall bear legal interest from the date of payment, and the sheriff in his return to the writ shall refer to the amount and to the manner of its addition.

(6) A municipality which pays any tax or any part of any tax payable under this Act in respect of minerals within, upon or under land against which the municipality has filed or files a tax lien in respect of taxes levied in the year 1944 or any previous year may add the amount paid to the tax roll and such amount, if paid after the twentieth day of December of the year in which the amount becomes due and payable, shall thereupon be a lien upon the land and be deemed to be taxes imposed under the appropriate municipal Act against the land in the year in which such amount is paid.

(7) This section applies only with respect to land in respect of which the registered owner is an owner within the meaning of this Act.

R.S.S. 1953, c.59, s.31; R.S.S. 1965, c.64, s.37.

#### **Certain royalties applied in payment of tax**

**38** Where under the terms of a grant from the Crown an owner is liable to the Crown for the payment of a royalty on any mineral or minerals, the amount paid by the owner on account of the royalty in respect of any mineral produced from a parcel of land in any year shall, so far as it goes, be deemed also to be either a payment on account or payment in full of the tax payable under this Act for that year in respect of the minerals situated within, upon or under such parcel of land.

R.S.S. 1953, c.59, s.32; R.S.S. 1965, c.64, s.38.

#### **Extension of time by order of minister**

**39(1)** If anything to be done at or within a time fixed by or under this Act cannot be or is not so done, the minister may by order from time to time appoint a further or other time for doing the same, whether the time within which the same ought to have been done has or has not expired:

Provided that the time within which a notice of assessment as required by section 11 may be mailed shall not in any year be extended beyond the thirty-first day of October in such year.

(2) Anything done within the time prescribed by such order shall be as valid as if it had been done within the time fixed by or under this Act.

R.S.S. 1953, c.59, s.33; 1960, c.16, s.5; R.S.S. 1965, c.64, s.39.

**Duty to registrars to forward certain particulars**

**40** In such cases as the minister may define the registrar of every land titles office shall as soon as practicable after a certificate of title to minerals is issued or after any change in the ownership of minerals occurs forward to the minister such particulars thereof as he may require.

1954, c.18, s.4; R.S.S. 1965, c.64, s.40.

**Regulations**

**41** For the purpose of carrying out the provisions of this Act according to their true intent and of supplying any deficiency therein, the Lieutenant Governor in Council may make regulations not inconsistent with the spirit of the Act, which shall have the same force and effect as if incorporated herein.

R.S.S. 1953, c.59, s.34; R.S.S. 1965, c.64, s.41.

*Note:* See also:

Subsection (2) of section 2, subsection (4) of section 25, and section 33 of *The Mineral Taxation Act*, 1948, chapter 24 of the statutes of 1948.

Subsection (2) of section 2 of An Act to amend *The Mineral Taxation Act*, 1948, chapter 23 of the statutes of 1949.

Subsection (2) of section 2, subsection (2) of section 3 and subsection (2) of section 4 of An Act to amend *The Mineral Taxation Act*, 1948, chapter 22 of the statutes of 1950.

Subsection (2) of section 1 of An Act to amend *The Mineral Taxation Act*, 1948, chapter 30 of the statutes of 1953.

Subsection (2) of section 2 of An Act to amend *The Mineral Taxation Act*, chapter 18 of the statutes of 1954.

Subsection (2) of section 1 of An Act to amend *The Mineral Taxation Act*, chapter 23 of the statutes of 1955.

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## MINERAL TAXATION

c. 64

## SCHEDULE

## FORM A

(Section 14)

## THE MINERAL TAXATION ACT

## NOTICE OF APPEAL

To the Secretary of the Saskatchewan Assessment Commission:

Sir:

I hereby appeal against the assessment (or non-assessment) of \_\_\_\_\_ the following grounds (*here state grounds of appeal*).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

.....  
(Signature of Appellant.)

.....  
(Post Office Address.)

## SCHEDULE

## FORM B

(Section 32 (1))

## THE MINERAL TAXATION ACT

No. \_\_\_\_\_.

## DEMAND FOR ABSTRACT AND GENERAL REGISTRATION CERTIFICATE

To the Registrar of the \_\_\_\_\_ Land Registration District.

Pursuant to *The Mineral Taxation Act* you are required to furnish an abstract of the certificate of title to the (*here describe the minerals in respect of which the default occurred*) and other minerals, if any, ownership of which is certified by that certificate, within, upon or under the following land: \_\_\_\_\_ and a general registration certificate in respect of the registered owner of such minerals, and, in compliance with subsection (2) of section 32 of the said Act, to endorse on the said certificate of title a memorandum giving warning of impending forfeiture of such minerals.

Dated at Regina, Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

.....  
*Mineral Tax Administrator.*

## Schedule

## Form C

(Section 32 (2))

Warning of impending forfeiture of minerals under *The Mineral Taxation Act* (section 32 (2) ) endorsed pursuant to demand registered on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, as No. \_\_\_\_\_.

## FORM D

(Section 32(7))

## THE MINERAL TAXATION ACT

REQUEST FOR CANCELLATION OF MEMORANDUM GIVING WARNING OF  
IMPENDING FORFEITURE OF MINERALS

To the Registrar of the \_\_\_\_\_ Land Registration District.

All taxes and costs due and owing under *The Mineral Taxation Act* in respect of the mineral, (or minerals,) within, upon or under the land hereinafter described, ownership of which is certified by the certificate of title the number of which is set forth below have been paid in full and you are hereby requested to cancel the memorandum giving warning of impending forfeiture of minerals, endorsed on the said certificate of title.

Description of land	Number of Certificate if Title	Number of Abstract	Date of Abstract

Dated at Regina, Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

.....  
*Mineral Tax Administrator.*

FOR HISTORICAL REFERENCE ONLY