

# *The Sand and Gravel Act*

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Chapter S-5 of *The Revised Statutes of Saskatchewan, 1978*  
(effective February 26, 1979).

## **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 S-5**

### **An Act respecting Sand and Gravel and Certain other Minerals**

#### **Short title**

**1** This Act may be cited as *The Sand and Gravel Act*.

#### **Application**

**2** This Act applies to all lands in the province and to the owners thereof, including the Crown in right of Saskatchewan and the lands owned by the Crown in right of Saskatchewan.

R.S.S. 1978, c.S-5, s.2.

#### **Ownership of sand and gravel on surface or obtainable by surface operations**

**3** The owner of the surface of any land is and shall be deemed to have always been the owner of and entitled to all sand and gravel on the surface of the land and all sand and gravel obtainable by stripping off the overburden, excavating from the surface or other surface operation.

R.S.S. 1978, c.S-5, s.3.

#### **Sand and gravel on surface obtainable by surface operations is part of surface**

**4(1)** The sand and gravel mentioned in section 3 shall not be deemed to be a mine, mineral or valuable stone but shall be deemed to be and to have always been a part of the surface of the land and to belong to the owner thereof.

**(2)** Notwithstanding any patent, title, grant, deed, notification, conveyance, lease, licence, agreement, disposition or other document heretofore or hereafter issued or made that contains or reserves mines, minerals or valuable stone, the owner of the mines, minerals, or valuable stone within, upon or under any land shall not, with respect to that land, be entitled to the sand and gravel mentioned in section 3 as against the owner of the surface of the land.

R.S.S. 1978, c.S-5, s.4.

#### **Restriction of right of action with respect to certain sand and gravel**

**5** Where any sand and gravel mentioned in section 3 has been dealt with or removed from any land prior to the coming into force of this Act by the owner of the mines, minerals or valuable stone, or by a person claiming through him, acting in good faith and in the honest belief that he was entitled thereto, the owner of the surface of the land shall not have any right of action for damages or for compensation by reason of such dealing with or removal of the sand and gravel prior to the coming into force of this Act, other than such right of action as he would have had if the person who removed the sand and gravel had been the owner of it, and the holder of any interest, by way of lease, permit, licence or other disposition, in such sand and gravel, derived from the owner of the mines, minerals or valuable stone prior to the coming into force of this Act shall not have any right of action against that owner for damages or for compensation by reason of that owner having granted such interest in the sand and gravel to that holder except an action for the refund of any rental paid in advance in respect of such interest for any period subsequent to the coming into force of this Act.

R.S.S. 1978, c.S-5, s.5.

**Ownership of certain clays, volcanic ash, etc.**

**6** The owner of mines and minerals is and shall be deemed to have always been the owner of an entitled to all ceramic clays, and all other clays that have an industrial use except any clay required for the construction of an earthen dam or road grade, and all volcanic ash, marl and bentonite, within upon or under the land in respect of which he owns the mines and minerals.

R.S.S. 1978, c.S-5, s.6.

**Certain clays, volcanic ash, etc., deemed to be minerals**

**7(1)** The ceramic clays, and any other clays that have an industrial use except any clay required for the construction of an earthen dam or road grade, and the volcanic ash, marl and bentonite, within, upon or under any land, shall not be deemed to be a part of the surface of the land but shall be deemed to be and to have always been minerals and to belong to the owner of the mines and minerals.

**(2)** The owner of the mines and minerals within, upon or under any land shall, as against the owner of the surface of such land, be entitled to the ceramic clays, and the other clays that have an industrial use except any clay required for the construction of an earthen dam or road grade, and the volcanic ash, marl and bentonite, within, upon or under the land.

R.S.S. 1978, c.S-5, s.7.

**Restriction of right of action with respect to certain clays, etc.**

**8** Where ceramic clays or any other clays that have an industrial use or volcanic ash, marl or bentonite have been dealt with or removed from any land prior to the coming into force of this Act by the owner of the surface, or by a person claiming through him, acting in good faith and in the honest belief that he was entitled thereto, the owner of the mines and minerals within, upon or under the land shall not have any right of action for damages or for compensation by reason of such dealing with or removal of the ceramic clays or other clays that have an industrial use or the volcanic ash, marl or bentonite prior to the coming into force of this Act, other than such right of action as he would have had if the person who removed the ceramic clays or other clays that have an industrial use or the volcanic ash, marl or bentonite had been the owner thereof, and the holder of any interest, by way of lease, permit, licence or other disposition, in the ceramic clays or other clays that have an industrial use or volcanic ash, marl or bentonite, derived from the owner of the surface of the land prior to the coming into force of this Act shall not have any right of action against the owner of the surface of the land for damages or for compensation by reason of that owner having granted such interest in the ceramic clays or other clays that have an industrial use or volcanic ash, marl or bentonite except an action for the refund of any rental paid in advance in respect of such interest for any period subsequent to the coming into force of this Act.

R.S.S. 1978, c.S-5, s.8.