

2010 Bill 26

Third Session, 27th Legislature, 59 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 26

**MINES AND MINERALS
(COALBED METHANE)
AMENDMENT ACT, 2010**

THE MINISTER OF ENERGY

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 26

2010

MINES AND MINERALS (COALBED METHANE) AMENDMENT ACT, 2010

(Assented to _____, 2010)

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

Amends RSA 2000 cM-17

1 The *Mines and Minerals Act* is amended by this Act.

2 The following is added after section 10:

Coalbed methane

10.1(1) Coalbed methane is hereby declared to be and at all times to have been natural gas.

(2) Subsection (1) does not affect a provision contained in any conveyance, agreement, agreement for sale, lease, licence, permit or other contract made subsequent to the original disposition from the Crown of natural gas rights in any land by

- (a) the owner of the title to the natural gas in the land, or
- (b) any person holding natural gas rights through the owner of the title to the natural gas in the land

that specifically grants rights in respect of coalbed methane to the owner of the title to the coal in that land, or to any person holding coal rights through the owner of the title to the coal.

(3) The owner of the title to natural gas in any land, and any person holding natural gas rights through that owner, has no

Explanatory Notes

- 1** Amends chapter M-17 of the Revised Statutes of Alberta 2000.
- 2** Coalbed methane.

right of action and shall not commence or maintain proceedings against the Crown, the owner of the title to the surface of the land or the coal in the land, or any person holding coal rights through the owner of the title to the coal for damages or compensation because of extraction, production or removal of coalbed methane from the land if that extraction, production or removal occurred before the coming into force of this section.

(4) It is deemed for all purposes, including for the purposes of the *Expropriation Act*, that no expropriation occurs as a result of the enactment of this section.

(5) No person has a right of action and no person shall commence or maintain proceedings

- (a) to claim damages or compensation of any kind, including, without limitation, damages or compensation for injurious affection, from the Crown, or
- (b) to obtain a declaration that the damages or compensation referred to in clause (a) are payable by the Crown,

as a result of the enactment of this section.

