New Rules For The Transfer Of Certain Mining Rights

December 9, 2025

Authors

Carole Gélinas

Partner, Lawyer

Radia Amina Djouaher

Lawyer

Joëlle Montpetit

Paralegal

Under the *Act to amend the Mining Act and other provisions*[1] (the **"Act"**), assented to on November 29, 2024, certain amendments were made to the *Mining Act.*[2]

In this bulletin, we will focus on the rules that have been in effect as of the Act's date of assent concerning the assignment of a mining lease or a mining concession, and those that have been in effect since November 29, 2025, concerning the transfer of an exclusive exploration right ("**EER**"), formerly known as a claim.

Except in the case of the assignment of a mining lease or a mining concession made under the *Companies' Creditors Arrangement Act*[3] or the *Bankruptcy and Insolvency Act*,[4] this type of transfer will require that a financial guarantee be provided in advance to the Minister of Natural Resources and Forests (the "**Minister**") by the new holder. Without it, the transfer will be null and void.[5]

Furthermore, as mentioned above, a new restriction has been introduced on the transfer of an EER during the first three years of its registration,[6] that is, before it is renewed. During this initial validity period, the transfer of an EER will now require its holder to first obtain authorization from the Minister by submitting the required form.[7] The transfer will be granted by the Minister if the exploration work required and determined by regulation has been carried out on the property that is subject to the mining right. The assignment of an EER without prior authorization from the Minister will be null and void.

Copyright (c) Lavery, de Billy, S.E.N.C.R.L. - L.L.P.

1. 2024, chapter 36, Bill 63.
2. CQLR c. M-13.1.
3. R.S.C. (1985), c. C-36.
4. R.S.C. (1985), c. B-3.
5. Section 123.1 of the *Mining Act*: this requirement is also found in section 101 of the *Mining Act* for the granting of a mining lease.
6. This initial validity period established in section 61 of the *Mining Act* will vary for converted EERs, according to what is stipulated in section 83.3, depending on the expiry date of the EERs before they were converted into map designated EERs.
7. At the time of writing this bulletin, it appears that the Minister has not yet adopted the means to implement this restriction and the specific form to be submitted in the event of the assignment of an EER affected by this. However, we note that since the new provisions came into force, a box to check has been added to Section 3 of the mining rights transfer application form, entitled “List of mining titles, percentage transferred and authorization,” for requesting authorization from the Minister. Consequently, we assume that the application for authorization will be submitted at the same time as the form is submitted to the Register of real and immovable mining rights.

Copyright (c) Lavery, de Billy, S.E.N.C.R.L. - L.L.P.