

Interpretive Bulletin

Layovers – Placer Mining Act

References:

Placer Mining Act
Sections 81 – 84

This bulletin provides clarification on issues that arise when a claim holder dies or is “adjudged insane”. For more information contact the mining recorder directly.

This interpretive bulletin is not legal advice, and should not be relied upon for legal purposes. It is intended to summarize certain aspects of the Placer Mining Act related to mineral rights and, as such, does not attempt to present all aspects of the Act and Regulation. This document may be amended from time to time. For complete information, the reader must refer to the Placer Mining Act and Placer Mining Land Use Regulation. The information in this document is for your convenience and guidance and is not a replacement for the legislation.

Definition

A layover order is a provision of the *Placer Mining Act* that allows the Minister of Energy, Mines and Resources to exempt the estate of a deceased person or a person “adjudged insane” from the requirement to perform annual assessment work and pay renewal fees for the claim(s) for a fixed period of time. This allows those with authority to administer the estate of the claim holder time to make arrangements regarding the disposition of the estate, including transfer of placer claims. The layover period cannot exceed three years.

A request for a layover may not be necessary or allowable in some cases. Claims that are not due to expire within three years are not included in the layover order signed by the Minister. Prospecting leases and claims owned by a corporation cannot be included in a layover order.

To request a layover

When a claim holder dies, the district Mining Recorder’s Office should be notified. A layover must be requested in writing with a copy of the Death Certificate.

When a claim holder is “adjudged insane” or becomes legally incapable of managing their claims, the district Mining Recorder’s Office should be notified. A layover must be requested in writing with the appropriate documentation. Contact the mining recorder for more information.

Co-owners

The layover option does not apply to co-owners who are required to perform their portion of the annual assessment work and the payment of fees. For example, where a co-owner owns a 50% interest in the claim, they are still required to perform 50% of the assessment work and pay 50% of the renewal fees.

Grant of Probate: An order of the Supreme Court of Yukon, establishing the validity of the last will of the deceased and confirming the named individual authorized to administer the estate of the person who died. The authorized individual is known as the executor.

Letters of Administration: An order of the Supreme Court of Yukon authorizing a named individual to administer the estate of a person who died without a will. The authorized individual is known as the administrator.

During the layover period, where the estate is the co-owner of a mineral claim, if one or more of the co-owners of a claim fail to contribute to the maintenance of the claim by doing their portion of the required assessment work, their interest may be assigned to the estate of the deceased or “insane” co-owner, and any other contributing co-owners, in proportion to their respective interest following a vesting hearing held by a mining recorder.

Transfer of claim(s) and application for section 84 grant(s)

An executor or administrator of an estate of a deceased person must register the **Grant of Probate** or **Letters of Administration** with the district Mining Recorder’s Office before registering the claim transfer document, transferring ownership from the estate to another party.

Grants of Probate, or Letters of Administration from other jurisdictions must be resealed in a Yukon Court.

Proof of legal authority to transfer claims of someone declared incapable must be registered with the district Mining Recorder’s Office before registering the claim transfer document. The legal authority must be valid in the Yukon and may require resealing in a Yukon Court.

Any person who receives the transfer of a placer claim that has been in layover shall apply to the mining recorder and pay the prescribed fee for a section 84 grant within two months from the date of the execution of the transfer. Section 84 grants can only be issued for claims that were in layover.

PLEASE NOTE:

If the transfer is not recorded and the section 84 grant applied for within two months from the date the transfer was signed, the claim lapses and the ground is open for staking again.

or

If the claim is co-owned and the transfer is not recorded or otherwise complied with, the interest of the non-compliant party is vested to the other co-owners in proportion to their respective interests.

At the end of three years, if the claim has not been transferred, it becomes subject to all provisions of the Act. If the provisions are not complied with, the claims lapse on the original anniversary date of the claim following the termination of the layover.

FOR MORE INFORMATION, PLEASE CONTACT:

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