

A Guide to Mineral Exploration Legislation in Nova Scotia

Halifax, Nova Scotia

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Cover Photo

Mineral samples housed at the Department of Natural Resources Drill Core Library in Stellarton, Nova Scotia.

Back Photo

Collection of 100 Nova Scotia Minerals established by Henry How (1828-1879), Nova Scotia Museum <https://collections.novascotia.ca/object-984gm0170>

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A Guide to Mineral Exploration Legislation in Nova Scotia

Note: This document has been prepared for convenience only. For accuracy the reader should consult the statutes (i.e. Mineral Resources Act, 2016 and amendments thereto and Regulations O.I.C. 2018-298 (effective December 18, 2018), N.S. Reg. 196/2018 and any amendments thereto). If there is any inconsistency between information provided in this document and any provisions of the statutes, the statutes prevail over this document.

Ownership of Minerals

The Crown owns all minerals in or upon land in Nova Scotia. A “mineral”, as defined under the Mineral Resources Act, means a natural solid inorganic or fossilized organic substance. Ordinary stone, building stone or construction stone, sand, gravel, peat, peat moss, or ordinary soil, oil, natural gas, gypsum and limestone¹ are not considered to be minerals in Nova Scotia. A few deposits of the latter commodity have specifically been declared a mineral under the Mineral Resources Act. Otherwise, rights to most gypsum and limestone and all stone, sand, gravel, peat and soil are attached to the ownership of the surface (private or Crown) and are administered under other statutes.

Identification of Mineral Rights

Mineral rights in Nova Scotia are acquired and located by means of a map system based on the National Topographic System (NTS). The procedure eliminates the necessity of establishing claim lines on the ground and any related line cutting/blazing/flagging. If required, claim boundaries can be located in the field by a qualified surveyor; however, this rarely becomes necessary until the actual mining stage is reached.

Figures 1, 2 and 3 illustrate how a mineral claim is derived by subdivisions of a standard NTS map sheet. Each claim reference map comprises 108 tracts of 16 claims per tract. Each claim is identified by a specific reference map, tract and claim designation (e.g. 11E 16A – Tract 1 – Claim A).

¹ Section 3(v), *Mineral Resources Act*

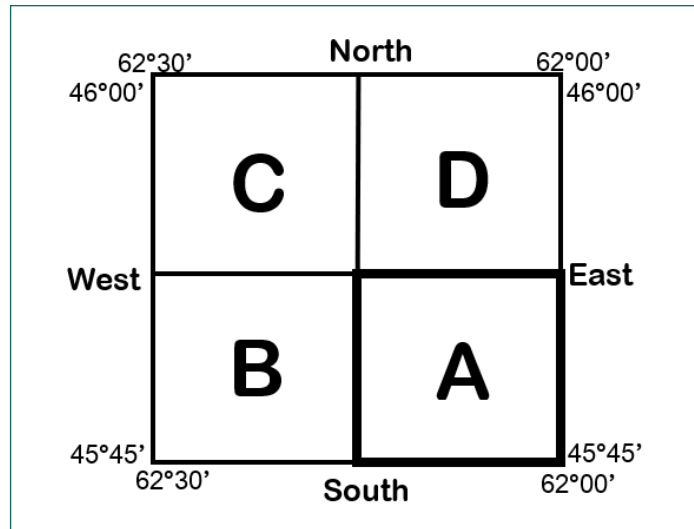


Figure 1. National Topographic System (NTS) map area (1:50 000 scale) showing subdivision into claim maps A, B, C and D. Map sheet A is further subdivided into tracts in Figure 2. The highlighted block is map sheet NTS 11E/16A, which is referred to as map sheet 11E16A.

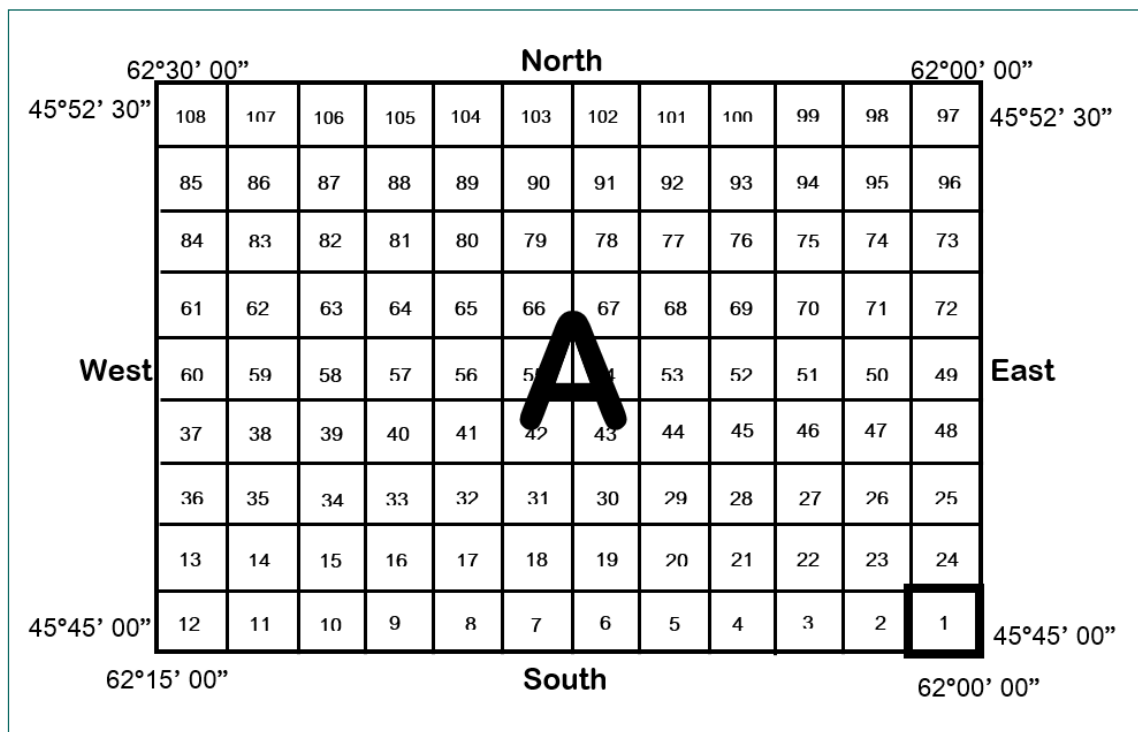


Figure 2. Subdivision of NTS map into mineral claim tracts. Tract 1 is further subdivided in Figure 3. The highlighted block is map 11E16A, Tract 1.

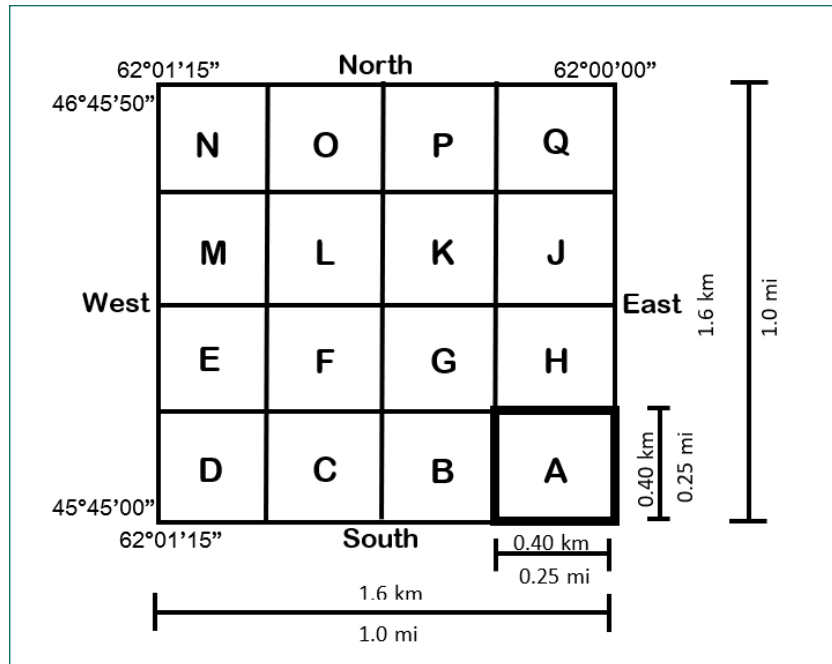


Figure 3. Subdivision of tract into mineral claims. The highlighted claim at lower right is 11E16A, Tract 1, Claim A. Individual mineral claims are 0.4 km ($\frac{1}{4}$ mile) squares.

Prospecting and Regional Exploration

The Mineral Resources Act allows an individual (19 years or older)² or an appropriately registered company to conduct prospecting or regional exploration upon lands that are “open” or available for staking upon the following conditions:

1. That such persons register with the Department of Natural Resources through the Online Registry System, known as NovaROC. A Prospectors’ Identification card is not required;
2. That only non-disturbance type work is completed³ (e.g., outcrop mapping, soil sampling, most geophysical surveys)⁴; and
3. That permission to enter upon lands be obtained⁵ from the relevant landowners before prospecting commences.

² Section 30.3, *Mineral Resources Act*

³ Section 30, *Mineral Resources Act*

⁴ Section 30.2, *Mineral Resources Act*

⁵ Section 30.2(b), *Mineral Resources Act*

By this mechanism it is possible to conduct a preliminary assessment of available ground before committing to an exploration licence.

Prospecting may not be carried out on lands that are restricted from mineral exploration activity by Federal and/or Provincial legislation. Exploration upon Indian Reserve Lands is administered through Indigenous and Northern Affairs Canada. Consultation may be required before conducting work.

The Department of Natural Resources must be consulted regarding any proposed exploration in Municipal Water Supply Watershed areas. Written notice of exploration must be provided to the operator of the water works. Consultation with the Department of Environment and Climate Change, and the operator of the water works may also be necessary⁶.

Acquiring Exploration Licences

Subject to landowner permission, an exploration licence entitles the holder to conduct exploration upon the licence area, to remove minerals from it for test purposes⁷ (not for sale) and to apply for a mineral lease within the boundaries of the licence.

Application for exploration licences must be made through the Online Registry System (NovaROC) by identifying the coterminous claims⁸ (i.e. adjoining on one side), to a maximum of 80 per licence⁹ and their relevant tract numbers and claim reference maps¹⁰. These reference maps are available via the NovaROC “maps” feature. The maps indicate the boundaries of all mineral rights with respect to topographic features. Each licence is identified by a unique licence number. The licensee and dates can be found through the NovaROC search feature.

Applications for new licences must be accompanied by the required fee¹¹ and must be submitted to the Registrar through NovaROC. Every new registrant in NovaROC must include basic required information when submitting¹².

6 Section 16.2, Mineral Resources Regulations

7 Section 3(j), *Mineral Resources Act*

8 Section 31.3, *Mineral Resources Act*

9 Section 39(c) *Mineral Resources Act*

10 Section 18, Mineral Resources Regulations

11 Section 31.3(b), *Mineral Resources Act*

12 Section 33.1, *Mineral Resources Act*

Additionally, if the applicant and/or a partner wish to record partial interest in the mineral right, they will have to file a Caveat¹³, thereby providing notice to any other party of the recorded interest.

Applications for exploration licences will not be accepted if any of the following apply:

1. Already held under mineral right or non-mineral registration¹⁴;
2. Already applied for¹⁵;
3. Renewed during a period of extension granted by the Registrar¹⁶; or
4. Applied for by the former licensee or any associate of such licensee within 90 days of expiry¹⁷.

Once an exploration licence has been issued and the licensee has obtained the permission of the landowner¹⁸ (Minister of Natural Resources in the case of Crown lands), before assessment work on the licence can begin. Non-disturbance activities (geological, geochemical and geophysical surveying) may proceed with only verbal permission on private land. Non-disturbance activities on Crown lands require written permission in the form of a permit. Written permission is required for disturbance work (trenching, excavation and drilling) on Crown and private land.

The term of an issued licence is two years¹⁹.

The Minister of Natural Resources may withdraw any lands in the Province from being subject to application for all or certain minerals. The Minister may also open such lands to application either through the “normal” process of accepting applications, or by way of a tender call or request for proposals. Currently the entire Province is closed for new coal exploration.

13 Section 106.4, *Mineral Resources Act*

14 Section 36.1, *Mineral Resources Act*

15 Section 36.1, *Mineral Resources Act*

16 Section 48.1, *Mineral Resources Act*

17 Section 49, *Mineral Resources Act*

18 Section 25, *Mineral Resources Act*

19 Section 43.1, *Mineral Resources Act*

Excavation and Drilling (Ground Disturbance)

In the case of any trenching, pitting or stripping by mechanical means (or by hand beyond 1.2 meters in depth²⁰)²¹ an Excavation Registration must be submitted to the Registrar through NovaROC at least seven days before proposed commencement of activities²². As part of the submission, the licensee must provide a copy of written consent of the landowner as prescribed in the regulations²³. If the information submitted to the Registrar is incomplete, the Registrar may refuse to record the excavation registration. There is no charge for the registration²⁴ which allows the Department of Natural Resources to monitor the activity and ensure that reclamation is carried out in a timely manner. In some circumstances a reclamation security may have to be posted. It would be a contravention of the Act if a report of trenching, for example, was submitted and no registration had been submitted to the Registrar through NovaROC²⁵.

When holes are to be drilled to obtain geological, geochemical or geophysical data the Registrar must be notified through NovaROC no later than seven days before the proposed commencement of the activities²⁶. The specific requirements to be submitted with the notification are described in the regulations and on NovaROC. A tabulation of relevant data must be submitted within 30 days of the completion of the drilling program²⁷. Failure to meet these requirements would constitute an offence under the Act.

Aerial Surveys

A Notice of Aerial Survey must be submitted through NovaROC no later than seven days before the proposed work commencement. This notice must include the aerial contractor's name, address, the type of aircraft being used (drone, fixed wing, helicopter), and the exploration licence numbers to be surveyed²⁸. Additional details to be submitted include a map showing flight paths and surrounding licences. If the work requires lift off or landing in the area, landowner permission is required. Notification to landowners and nearby communities of aircraft activity in the area is encouraged.

20 Section 166(1), Occupational Safety General Regulations

21 Section 61.1, *Mineral Resources Act*

22 Section 52.2, Mineral Resources Regulations

23 Section 53.1, Mineral Resources Regulations

24 Section 88.1, *Mineral Resources Act*

25 Section 52.1, Mineral Resources Regulations

26 Section 50.1, Mineral Resources Regulations

27 Section 52.2, Mineral Resources Regulations

28 Section 49, Mineral Resources Regulations

Maintaining an Exploration Licence

An exploration licence may be renewed indefinitely as long as certain renewal conditions are met. Foremost of these is the requirement to conduct work upon the ground held and report the results.

The minimum amount of assessment work that must be carried out is \$400.00 per claim per term during the first two terms of the licence. Table 1 shows the required work credits for renewing an exploration licence²⁹.

Work credit is equal to the approved assessment work reported. If assessment work is in excess³⁰ of the minimum required, it will be carried forward and applied to subsequent renewals for a maximum of 5 terms. Work credit is applied to a licence on a per claim basis.

Table 1. Required work credits for renewing an exploration licence.

Number of Terms of the Licence (age of licence at the end of the <i>current</i> licence period)	Dollars per Term per Claim
1 to 2 (licence age 0–4 years)	\$400.00
3 to 5 (licence age 5–10 years)	\$600.00
6 to 8 (licence age 11–16 years)	\$800.00
9 and any subsequent renewal term (licence age 17 years and older)	\$1,600.00

In order for assessment work to be credited to a licence it³¹:

- Must provide new or additional geotechnical data relating to an area;
- Must be reported in the prescribed manner;
- Must substantiate costs that are acceptable to the Registrar;
- Must not have previously been accepted for credit; and
- Must be considered acceptable.

29 Section 30, Mineral Resources Regulations

30 Section 33, Mineral Resources Regulations

31 Section 31.4, Mineral Resources Regulations

A wide variety of activities qualify as “acceptable work”, and their cost is credited at full and fair value. Such work includes prospecting, excavating, line cutting, surveying (geological, geochemical, geophysical, topographical), drilling, assaying and underground exploration work. Reasonable expenses for accommodation, food, meals and transportation may also be approved by the Registrar³². Expenditures upon aerial surveys may be credited up to 125%³³ if acceptable data is submitted in a timely manner.

A bona fide prospector is entitled to two (2) renewals³⁴ of their licence upon the submission of a prescribed and standardized “Prospector’s Statement” with appropriate maps and daily logs³⁵, through NovaROC. For this purpose, each eight-hour day that the prospector works on the licence is credited at \$130.00³⁶.

Assessment work is subject to Registrar’s approval, expenditures are submitted through NovaROC. The Statement of Assessment Work Expenditures is broken into three (3) subtotals, and one total.

Subject to the Registrar’s approval acceptable assessment work may be recognized as work credit at full (100%) cost³⁷ including:

- a. prospecting;
- b. trenching, pitting, stripping, bulk sampling and refilling excavations;
- c. line cutting or flagging;
- d. geological, geochemical and geophysical surveys;
- e. aerial surveys;
- f. photogeological and remote imagery interpretations;
- g. drilling and sealing of drill holes;
- h. ground surveys and ground exploration work;
- i. assays, analyses, metallurgical studies and mineral tests;

32 Section 31.1, Mineral Resources Regulations

33 Section 32.1, Mineral Resources Regulations

34 Section 27.3, Mineral Resources Regulations

35 Section 27.2, Mineral Resource Regulations

36 Section 28, Mineral Resources Regulations

37 Section 31.1, Mineral Resources Regulations

- j. technical data compilations;
- k. necessary incidental daily expenditures (accommodations, food, meals and transportation);
- l. reclamation work;
- m. drafting and cartographic services.

If the cost of the following:

- a. negotiations with landowners for surface access;
- b. legal fees related to land access or land ownership;
- c. compensation for landowners;
- d. direct costs of stakeholder engagement;

are acceptable to the Registrar, they are allowable expenses not to exceed half (50%) of the total cost of assessment work credit from the previous section³⁸

If acceptable to the Registrar, the cost for other work may be credited not to exceed 10% of the total cost of assessment work from the first section. This work includes³⁹: the cost of buildings, structures, machinery, plants, equipment, conveyances or access roads; site rehabilitation; preparation for studies conducted for proposed mining including environmental impact, assessment; test mining methods; preparing metallurgical study reports; the cost of preparing marketing studies; accounting fees directly attributed to the licence; the cost of administrative support services; field supplies; office expenses including rent, heat, lights, supplies, communications, office equipment rental, postage, insurance.

Assessment work will not be credited⁴⁰ if the work has been previously credited, the work fails to provide new or additional data, the work has been done without seeking landowner permission or stakeholder engagement. If the work is not reported in the prescribed manner, the work is not considered acceptable.

38 Section 31.2, Mineral Resources Regulations

39 Section 31.3, Mineral Resources Regulations

40 Section 31.4, Mineral Resources Regulations

When a licensee has been unable to conduct any work, or to do sufficient work to renew the licence, a payment-in-lieu of work may be acceptable⁴¹. Such payment may be refunded if the licensee, during the subsequent term, conducts excess work sufficient to cover the previous term's deficiency⁴². However, the payment-in-lieu option may only be exercised if no payment-in-lieu has been made in any of the previous five (5) terms of the licence⁴³.

Filing Assessment Work

An assessment work report is required for each exploration licence or group of coterminous licences or as may otherwise be approved by the Registrar.

Assessment work must be reported in either (a) a technical report⁴⁴ or (b) a prospector's statement⁴⁵ accompanied by a statement of expenditures⁴⁶. Assessment work can be submitted at any time during the term of the licence, and multiple reports can be submitted during the term. Prospector's statements may only be submitted as part of the first two renewals of a licence.

The minimum requirements for a technical report are described in detail in the Mineral Resource Regulations⁴⁷, with specific inputs for reports related to geology, geochemistry, geophysics, drilling, excavation, or metallurgic studies. As onerous as these regulations may appear to be, they are not any more stringent than the standards self-imposed by most professional explorationists. For Departmental purposes, they provide a consistent format, content, and document dimensions which enhances their value to a variety of potential users.

The Prospector's statement is a prescribed form predominantly of a "fill in the blank" nature. It must be accompanied by a basic map to locate significant field observations and daily logs⁴⁸. The statement relieves the prospector of the need to prepare a lengthy written description of their survey and provides the Department with standardized inputs that should prove to be of greater values than those previously submitted.

41 Section 46.1, *Mineral Resources Act*

42 Section 46.2, *Mineral Resources Act*

43 Section 46.1(c), *Mineral Resources Act*

44 Section 27.1(b), Mineral Resource Regulations

45 Section 27.1(a), Mineral Resource Regulations

46 Section 26.1, Mineral Resource Regulations

47 Section 38, Mineral Resource Regulations

48 Section 27.2, Mineral Resource Regulations

All reports respecting assessment work are held in confidence by the Department for two years from the date of submission, unless the licence expires⁴⁹. At the end of this two-year period, the reports are released, or, if the licensee requests, information may be released prematurely. The licensee may make a request to the Registrar for an extension of confidentiality⁵⁰.

Renewal and Optional Procedures

An exploration licence expires two years from the date of its issuance unless it is renewed. It may be renewed only once in each licence term, no sooner than six (6) months before the licence expires⁵¹.

These requirements for renewal must be received by the Registrar on or before the anniversary date of the licence⁵²:

- a. One of the following.
 - i. Submission of a report (prospector's statement or assessment work report) and statement of expenditures
 - ii. There are sufficient work credits
 - iii. Make a payment-in-lieu of work.
- b. File an application for renewal
- c. Pay the required fees

In exceptional circumstances a single extension for reporting of work, no more than 45⁵³ days may be granted for good cause if the Registrar is satisfied that the required work had been done and a statement of expenditures had been filed⁵⁴. In extreme circumstances, a request for extension of time for doing work can be made to the Minister⁵⁵.

49 Section 140.3, *Mineral Resources Act*

50 Section 140.4, *Mineral Resources Act*

51 Section 43.2, *Mineral Resources Act*

52 Section 47, *Mineral Resources Act*

53 Section 29, *Mineral Resource Regulations*

54 Section 48.1, *Mineral Resources Act*

55 Section 12.1, *Mineral Resources Act*

If an exploration license unintentionally expires it may be reinstated and renewed, no later than 90 days after the date the licence expired⁵⁶, provided that the area has not been applied for or issued to another party, and that the licence is to be renewed on the submission of new work or existing credits⁵⁷. A payment-in-lieu is not acceptable for a late renewal⁵⁸. An Extension of time for reporting of work is not available for late renewals.

Once the conditions of renewal have been fulfilled, the Registrar will issue a certificate of compliance which is final and conclusive evidence of the renewal of the licence⁵⁹.

An exploration licence will not lapse because of any delay in the processing of the renewal caused by the Registrar⁶⁰. Although there is some risk, exploration work can continue on licences that are pending renewal, while the renewal is being processed.

The Registrar has the authority, upon the request of a licensee, to provide the following administrative benefits:

- a. Integration of anniversary dates for the convenience of meeting a number of renewal requirements on a single given day⁶¹.
- b. Regrouping of coterminous licences to create one new licence and to minimize renewal procedures⁶².

Whenever a licensee enters into an agreement with a third party – commonly giving that party the option to acquire an interest in the mineral right, possibly by a transfer of the licence – the licensee is required to submit a summary of such agreement with the Registrar⁶³. The summary records general information regarding the parties to the agreement and may be held in confidence by the Department if it is marked “confidential”.

Similarly, when a licensee intends to convey a licence or an interest in such mineral right to a third party it must be formally recorded by the Registrar⁶⁴. Failure to file a summary or a transfer with the Department will render such document ineffective for its intended purpose.

56 Section 22.2, Mineral Resource Regulations

57 Section 50.1, *Mineral Resources Act*

58 Section 50.2, *Mineral Resources Act*

59 Section 52, *Mineral Resources Act*

60 Section 53, *Mineral Resources Act*

61 Section 55 *Mineral Resources Act*

62 Section 56, *Mineral Resources Act*

63 Section 103, *Mineral Resources Act*

64 Section 70, Mineral Resources Regulations

Information Sources

If you have any questions involving the Mineral Resources Act or Regulations, contact the Registry of Mineral and Petroleum Titles. NovaROC@novascotia.ca

All applications, submissions, and permits are made through [NovaROC](#).

The Natural Sciences library, located in Halifax, contains records of past exploration assessment reports, geological reports, general information about the mineral industry in Nova Scotia, extensive holdings of geological and geophysical maps and many textbooks, journals, and government reports. These reports can be found online through the [Nova Scan](#) search tool.

The [Drill Core Library](#) in Stellarton, Nova Scotia contains maps and publications for reference purposes.

Links to Legislation

[Mineral Resources Act](#)

[Mineral Resources Regulations](#)

[Occupational Safety General Regulations](#)

[Bill NO.6](#)

