SCHEDULE B U.K.

CONSTITUTION ACT, 1982

PART VI U.K.

AMENDMENT TO THE CONSTITUTION ACT, 1867

Amendment to Constitution Act 1867.

50   The *Constitution Act, 1867* (formerly named the *British North America Act, 1867*) is amended by adding thereto, immediately after section 92 thereof, the following heading and section:

" *Non-Renewable Natural Resources, Forestry Resources and Electrical Energy*

92A Laws respecting non-renewable natural resources, forestry resources and electrical energy

(1) In each province, the legislature may exclusively make laws in relation to

    (a)   exploration for non-renewable natural resources in the province;

    (b)   development, conservation and management of non-renewable natural resources and forestry resources in the province, including laws in relation to the rate of primary production therefrom; and

    (c)   development, conservation and management of sites and facilities in the province for the generation and production of electrical energy.

(2) In each province, the legislature may make laws in relation to the export from the province to another part of Canada of the primary production from non-renewable natural resources and forestry resources in the province and the production from facilities in the province for the generation of electrical energy, but such laws may not authorize or provide for discrimination in prices or in supplies exported to another part of Canada.

(3) Nothing in subsection (2) derogates from the authority of Parliament to enact laws in relation to the matters referred to in that subsection and, where such a law of Parliament and a law of a province conflict, the law of Parliament prevails to the extent of the conflict.

(4) In each province, the legislature may make laws in relation to the raising of money by any mode or system of taxation in respect of

    (a)   non-renewable natural resources and forestry resources in the province and the primary production therefrom, and

    (b)   sites and facilities in the province for the generation of electrical energy and the production therefrom,

whether or not such production is exported in whole or in part from the province, but such laws may not authorize or provide for taxation that differentiates between production exported to another part of Canada and production not exported from the province.

(5) The expression "primary production" has the meaning assigned by the Sixth Schedule.

(6) Nothing in subsections (1) to (5) derogates from any powers or rights that a legislature or government of a province had immediately before the coming into force of this section.”

Idem

51   The said Act is further amended by adding thereto the following Schedule:

“THE SIXTH
SCHEDULE U.K.

Primary Production from Non-Renewable
Natural Resources and Forestry Resources

1   For the purposes of section 92A of this Act,
   (a)   production from a non-renewable natural resource is primary production therefrom if
       (i) it is in the form in which it exists upon its recovery or severance from its natural state, or
       (ii) it is a product resulting from processing or refining the resource, and is not a manufactured product or a product resulting from refining crude oil, refining upgraded heavy crude oil, refining gases or liquids derived from coal or refining a synthetic equivalent of crude oil; and
   (b)   production from a forestry resource is primary production therefrom if it consists of sawlogs, poles, lumber, wood chips, sawdust or any other primary wood product, or wood pulp, and is not a product manufactured from wood.”

Status:
Point in time view as at 01/02/1991.

Changes to legislation:
There are currently no known outstanding effects for the Canada Act 1982, Part VI.