



## CHAPTER 61.

R.S.B.C. 1948, c. 329;  
1950, c. 71; 1953,  
(2nd Sess.), c. 34.

## An Act to amend the "Mining Tax Act."

[Assented to 28th March, 1957.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Mining Tax Act Amendment Act, 1957."

Amends s. 2.

2. Section 2 of the "Mining Tax Act," being chapter 329 of the Revised Statutes of British Columbia, 1948," as amended by chapter 71 of the Statutes of 1950, is amended by striking out the definition of "processing," and substituting the following:—

" 'Processing', as applied to mineral ore, includes all forms of beneficiation, smelting and refining, and transporting and distributing, but does not include any of these operations that are performed with respect to mineral ore before its removal from the mine: "

Further amends s. 2.

3. Section 2 is further amended by striking out the definition of "mine", and substituting the following:—

" 'Mine' includes any work or undertaking in which mineral ore is extracted or produced, including a quarry: "

Further amends s. 2.

4. Section 2 is further amended by striking out the definition of "mineral", and substituting the following:—

" 'Minerals' includes every naturally occurring inorganic or fossilized organic substance which is mined, quarried, or otherwise obtained from the earth at or below its surface, but does not include coal, petroleum, or natural gas: "

Further amends s. 2.

5. Section 2 is further amended by adding the following definition:—

“ ‘Mining operations’ means the extraction or production of mineral ore from or in any mine or its transportation to, or any part of the distance to the point of egress from the mine including any processing thereof prior to or in the course of such transportation, but not including any processing thereof after removal from the mine:”

Amends s. 3.

6. Section 3, as amended by chapter 34 of the Statutes of 1953 (Second Session), is amended as follows:—

(a) By inserting after “year” in the third line of subsection (2) the words “, or where the fiscal year is less than twelve months, the proportion of twenty-five thousand dollars that the number of days in the fiscal year is to the number of days in the whole year”.

(b) By inserting after “mine” in the first line of clause (a) of subsection (6) the words “other than a brine well, sand pit, gravel pit, clay pit, shale pit, or stone quarry,”.

Amends s. 4.

7. Section 4 is amended by striking out clause (c), and substituting the following:—

“(c) An amount by way of return on capital employed by him in processing mineral ore or products derived therefrom, equal to eight per centum of the original cost to him of the depreciable assets including machinery, equipment, plant, buildings, works and improvements, used by him in the processing of mineral ore or products derived therefrom, but the amount to be deducted under this clause shall not be in excess of sixty-five per centum, nor less than fifteen per centum, of that portion of the said total net profit remaining after deducting therefrom the amounts specified in clauses (a) and (b):”

Amends s. 5

8. Section 5 is amended by striking out subsection (2), as enacted by chapter 34 of the Statutes of 1953 (Second Session), and substituting the following:—

“(2) Except as hereinafter provided, if a taxpayer is a corporation assessable under ‘The Income Tax Act’ of Canada, its total net income shall be ascertained by adding to the taxable income computed in accordance with that Act any allowance or deduction made thereunder in respect of:—

“(a) Depletion or exhaustion of a mine:

“(b) Scientific research to the extent that such expenditures are made without the Province:

“(c) Provincial taxes on income from mining and logging operations:

“(d) Charitable donations to the extent that they are made to charities without the Province, and to the extent that the

amount exceeds five per centum of the net income taxable under this Act:

“(e) Losses sustained in other fiscal years:

“(f) The net loss, if any, incurred in any business referred to in clause (b) or (d) of section 4 of this Act:

“(g) Prospecting, exploration, and development expenses to the extent that such expenditures are made without the Province:

Provided that, for the duration of the period in which a corporation is exempted from taxation under ‘The Income Tax Act’ of Canada, or if no returns are filed under that Act, then its total net income shall be ascertained in accordance with subsection (1) of this section.”

**Application.**

9. This Act shall come into force as of the first day of January, 1957, and shall apply to the income of a taxpayer in the proportion that the number of days in the taxation-year after the thirty-first day of December, 1956, is to the number of days in the whole taxation-year.

VICTORIA, B C

Printed by DON McDIARMID, Printer to the Queen's Most Excellent Majesty  
1957