

**Reprint
as at 1 October 1991**



Mining Regulations 1981
(SR 1981/347)

David Beattie, Governor-General

Order in Council

At the Government House at Wellington this 8th day of December
1981

Present:

His Excellency the Governor-General in Council

Pursuant to the Mining Act 1971, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Economic Development.

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Regulations

1 Title and commencement

- (1) These regulations may be cited as the Mining Regulations 1981.
- (2) These regulations shall come into force on 1 January 1982.

2 Interpretation

In these regulations, unless the context otherwise requires, **the Act** means the Mining Act 1971.

Preliminary

3 Forms

(1) *[Revoked]*

(2) The form of other documents to be used for the purposes of the Act shall be such as may from time to time be prescribed or provided by the Secretary.

Regulation 3(1): revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

4 Fees

The fees specified in Schedule 2 are hereby prescribed as the fees payable in respect of the several matters specified in that schedule.

4A Fees and rent inclusive of goods and services tax

The fees and rent prescribed by these regulations are inclusive of goods and services tax at the rate of 12.5% payable under the Goods and Services Tax Act 1985.

Regulation 4A: substituted, on 1 July 1989, by regulation 2 of the Mining Regulations 1981, Amendment No 4 (SR 1989/143).

Prospector's rights

[Revoked]

Heading: revoked, on 1 October 1991, pursuant to section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

5 Prospector's right to be produced on demand

[Revoked]

Regulation 5: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

6 Receipt of fees by Post Office

[Revoked]

Regulation 6: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

7 Statements relating to prospectors' rights

[Revoked]

Regulation 7: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

Prospecting licences

[Revoked]

Heading: revoked, on 1 October 1991, pursuant to section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

8 Rent payable under prospecting licence

[Revoked]

Regulation 8: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

9 Statement of proposed work and expenditure

[Revoked]

Regulation 9: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

10 Statement of actual expenditure

[Revoked]

Regulation 10: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

Exploration licences

[Revoked]

Heading: revoked, on 1 October 1991, pursuant to section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

11 Evidence to accompany application

[Revoked]

Regulation 11: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

Mining licences

[Revoked]

Heading: revoked, on 1 October 1991, pursuant to section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

12 Rent payable under mining licences*[Revoked]*

Regulation 12: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

12A Returns to be supplied of minerals mined*[Revoked]*

Regulation 12A: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

*Special-site licences**[Revoked]*

Heading: revoked, on 1 October 1991, pursuant to section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

13 Rent payable under special-site licences*[Revoked]*

Regulation 13: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

*Licences for roads, tramways, etc, and easement
certificates***14 Rent payable under other licences***[Revoked]*

Regulation 14: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

15 Restrictions on transfer of licence or certificate*[Revoked]*

Regulation 15: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

16 Restrictions on use of tramway

No person who holds a tramway licence, or an easement certificate for the purpose of a tramway, shall carry passengers or goods for reward on the tramway unless the fares and charges have been approved by the Minister, and such provisions relating to the safety of life and property as the Minister requires have been made.

17 Conditions of tramway, aerial ropeway, and pipeline licences

- (1) Every holder of a tramway, aerial ropeway, or pipeline licence shall at his own expense provide and maintain to the satisfaction of the Inspector such crossing places over or under the tramway, ropeway, or pipeline as the Inspector considers are reasonably required for the convenience of the public or of any owner or occupier of land.
- (2) Every crossing place under a tramway or ropeway shall be protected from falling material.

18 Conditions of road and bridge licences

- (1) The holder of a road or bridge licence shall not be entitled to the exclusive use of the road or bridge which shall at all times be open to full and free use by the public.
- (2) Notwithstanding the provisions of subclause (1), if the holder of a road or bridge licence has expended money in forming or maintaining the road or bridge and it is used by the holder of any other mining privilege to provide access to the land comprised in the privilege, the holder of the other privilege shall pay to the holder of the road or bridge licence a reasonable proportion of the expenditure. In default of agreement as to the amount of such proportion, it shall be fixed by arbitration in accordance with the provisions of the Arbitration Act 1908.

General provisions relating to applications

19 General provisions

[Revoked]

Regulation 19: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

20 Consents to be supplied

[Revoked]

Regulation 20: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

21 Reports to be given

- (1) The Chief Surveyor shall report to the Secretary on every application for a mining privilege, other than a prospector's right and an exploration licence, and shall include in the report—
- (a) the owner of the minerals on or under the land in respect of which the application has been made and details of any other rights appurtenant to such ownership;
 - (b) the owner and occupier of the land;
 - (c) the area and legal description of the land.
- (2) In respect of an application for an exploration licence the Chief Surveyor shall report whether the land is within a national park or a public reserve and supply the area and legal description of such land.

22 Posting of notice on land

[Revoked]

Regulation 22: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

23 Applications relating to foreshore and seabed

[Revoked]

Regulation 23: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

24 Refund of fees

[Revoked]

Regulation 24: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

25 Secretary may waive requirements

[Revoked]

Regulation 25: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

Marking out

[Revoked]

Heading: revoked, on 1 October 1991, pursuant to section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

26 Marking out

[Revoked]

Regulation 26: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

Surrender of mining privileges

[Revoked]

Heading: revoked, on 1 October 1991, pursuant to section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

27 Licence to be produced

[Revoked]

Regulation 27: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

Objections

[Revoked]

Heading: revoked, on 1 October 1991, pursuant to section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

28 Notice of objection

[Revoked]

Regulation 28: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

29 Notice of hearing

[Revoked]

Regulation 29: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

General provisions

30 Postponement, reduction, and remission of rent and royalties

[Revoked]

Regulation 30: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

31 Lost licences and certificates

[Revoked]

Regulation 31: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

32 Entry, recovery of rent, etc

[Revoked]

Regulation 32: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 30).

33 Offences

Except where authorised by or under the Act or these regulations or any other Act, no person shall—

(a) *[Revoked]*

(b) *[Revoked]*

(c) remove from any workings any props, timber, or other structures, so as to endanger the mining privilege or the rights of any other person; or

(d) *[Revoked]*

(e) *[Revoked]*

Regulation 33(a): revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

Regulation 33(b): revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

Regulation 33(d): revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

Regulation 33(e): revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

34 Deposit of tailings

[Revoked]

Regulation 34: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

*Boring operations***35 Particulars to be supplied**

(1) The particulars to be supplied to the Inspector under section 153 of the Act shall be full details of the information obtained by the boring operation, including—

(a) a description of each formation penetrated;

- (b) the thickness of each formation penetrated;
 - (c) the inclination of the borehole;
 - (d) the results of any analyses made of core or sludge samples taken;
 - (e) the width and assay value of any mineralised deposit, or the depth and value per cubic metre of any alluvial deposit located by the borehole; and
 - (f) the method of calculating such value.
- (2) Within 1 month after the completion of boring operations, the person in charge shall forward to the Inspector a plan of the area in which the operations were carried out, drawn to a scale of not less than 1:8 000, showing the location of all holes bored in relation to each other and to any well-defined landmarks and to any mining works in the vicinity and a topographic map of 1:50 000 or 1:63 360 scale which accurately locates this plan. The plan shall be accompanied by a written statement showing the cost per metre of boring (excluding transport charges) and the cost per metre for the transport of the boring equipment from hole to hole (excluding transport to and from the area of operations).
- (3) All cores recovered shall be kept in suitable containers, and the depth in metres from the top of the hole at which the core was obtained shall be recorded on each container at the end of every run.
- (4) If, over a distance of 3 metres or more, no core is obtained, a sample of the material obtained in boring, weighing not less than 28 g, shall be taken at least every 3 metres and be placed in a suitable container bearing a label showing the depth in metres at which the sample was obtained, and the number and locality of the borehole.
- (5) The Inspector may allow such variation in the method of labelling cores and samples as he considers necessary or desirable.

*Miscellaneous provisions***36 Date of grant***[Revoked]*

Regulation 36: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

37 Directions of Inspector

Any requirement, order, direction, or notice made or given by an Inspector under the Act or these regulations may be addressed in general terms to the person in charge of a mine or dredge and be delivered to the mine or dredge.

38 Administration charge*[Revoked]*

Regulation 38: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

39 Revocations*[Revoked]*

Regulation 39: revoked, on 1 October 1991, by section 120(2) of the Crown Minerals Act 1991 (1991 No 70).

Schedule 1

r 3(1)

Forms

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Form MD 1
Application for prospecting licence under the
Mining Act 1971 for an area of 40 hectares or
less

No:

Date and time received:

Secretary of Energy,
PO Box 6342,
Te Aro,
Wellington.

Note: Original plus 8 copies required.

Name of applicant¹:

Address: [*full street address*]

Telephone No:

Occupation:

Registered office:

Address for service:

Land description² [*continue on separate sheet if necessary*]:

Time of marking out³:

Method of prospecting⁴:

Number of years for which licence is required: [*number*] years
(maximum 3 years).

Names of owners and occupiers, etc⁵:

Notice posted on ground [*date*]⁶:

Environmental assessment [*attached*]⁷:

⁸Application fee must accompany this application

I the undersigned being the applicant for the licence or his duly authorised agent do hereby certify that the above particulars are correct.

Dated at: [*place, date*]

Form MD 1—*continued*

Signature of applicant:

¹⁻⁸For notes on preparation of application, see overleaf.

(Back)

Instructions for completing application form for
licence

- 1 The full name, street address, and occupation of the applicant are to be specified. If a company, the registered office is also to be given. The address for service is the address to which formal notices are to be sent if different from other addresses indicated.
- 2(a) The land under application is to be specified and identified by reference to its area and legal description. (Include a reference to any local name by which the land is known.) The status and mineral ownership of all lands included in the application must also be given, ie:
 - (i) land ownership:
 - unoccupied Crown land
 - Crown land
 - Crown leasehold (specify tenure)
 - freehold land (if leased specify type of lease or licence)
 - Maori land
 - State forest
 - national park
 - public reserve (specify classification)
 - foreshore, sea, lake, river, streambed
 - endowment
 - (ii) mineral ownership:

(**Note:** The Mining Act 1971 reserves all gold and silver to the Crown.)

In respect of freehold land state whether the minerals (other than gold and silver) are privately owned or belong to the Crown.
- (b) Nine copies of a plan showing the area applied for in relation to cadastral boundaries, survey monuments, topographical features, etc, must also accompany the application.

Form MD 1—*continued*

- (c) The name and address of the local authority within whose district the land covered by the application lies must also be given.
- 3 In all cases marking out is required and the date and time of marking out must be specified, eg, 26 September 1981 at 2.30 pm.
- 4 The proposed method of prospecting given stage by stage for the full term of the licence must be specified. This should include details of any access construction that may be necessary.
- 5 List all owners, lessees, and other occupiers of the land, and any other person having an interest in the land to whom notice must be given.

If the land in the application is only open for mining* with the consent of the owner or occupier, consents must be attached or forwarded to the Secretary within 20 working days after being requested by the Secretary.

(*Mining includes prospecting)

- 6 Prior to the filing or dispatch of this application the applicant or his authorised agent must set up a post or board in some conspicuous place on the ground with a notice to the following effect:

“This land containing (area and give description) is the subject of an application dated [*date*] for a prospecting licence under the Mining Act 1971:

[*Signature*]

Name of applicant.”

(Land cannot be entered on for marking out or posting notice without the consent of the owner and occupier or in respect of occupied Crown land without giving notice. *See* section 112 of the Mining Act 1971.)

- 7 The applicant must submit an environmental assessment of the impact of the proposed prospecting operations. An environmental assessment form is available with the application forms and should be completed as fully as possible. This should include specific details on access requirements.

Form MD 1—*continued*

- 8 The original plus 8 copies of the application and 9 copies of the plan are to be forwarded to the Secretary together with the application fee.

Schedule 1 form MD 1: amended, on 18 January 1989, by regulation 7(a) of the Mining Regulations 1981, Amendment No 3 (SR 1988/329).

Schedule 1 form MD 1: amended, on 18 January 1989, by regulation 7(b) of the Mining Regulations 1981, Amendment No 3 (SR 1988/329).

Form MD 2
Application for prospecting licence under the
Mining Act 1971 for an area over 40 hectares

No:

Date and time received:

Secretary of Energy,
PO Box 6342,
Te Aro,
Wellington.

Note: Original plus 8 copies required.

Name of applicant¹:

Address: [*full street address*]

Telephone No:

Occupation:

Registered office:

Address for service:

Land description² [*continue on separate sheet if necessary*]:

Method of prospecting and work programme³ [*continue on separate sheet if necessary*]:

Number of years for which licence is required: [*number*] years
(maximum 3 years).

Names of owners and occupiers, etc⁴:

Notice posted on ground [*date*]⁵:

Environmental assessment [*attached*]⁶:

⁷Application fee must accompany this application

I the undersigned being the applicant for the licence or his duly authorised agent do hereby certify that the above particulars are correct.

Dated at: [*place, date*]

Form MD 2—*continued*

Signature of applicant:

¹⁻⁷For notes on preparation of application, see overleaf.

(Back)

Instructions for completing application form for
licence

- 1 The full name, street address, and occupation of the applicant are to be specified. If a company, the registered office is also to be given. The address for service is the address to which formal notices are to be sent if different from other addresses indicated.
- 2(a) The land under application is to be specified and identified by reference to its area and legal description. (Include a reference to any local name by which the land is known.) The status and mineral ownership of all lands included in the application must also be given, ie:
 - (i) land ownership:
 - unoccupied Crown land
 - Crown land
 - Crown leasehold (specify tenure)
 - freehold land (if leased specify type of lease or licence)
 - Maori land
 - State forest
 - national park
 - public reserve (specify classification)
 - foreshore, sea, lake, river, streambed
 - endowment
 - (ii) mineral ownership:

(**Note:** The Mining Act 1971 reserves all gold and silver to the Crown.)

In respect of freehold land state whether the minerals (other than gold and silver) are privately owned or belong to the Crown.
- (b) Nine copies of a plan showing the area applied for in relation to cadastral boundaries, survey monuments, topographical features, etc, must also accompany the application.

Form MD 2—*continued*

- (c) The name and address of the local authority within whose district the land covered by the application lies must also be given.
- 3 Give details of proposed work and expenditure as follows:
- (a) the sum of money to be spent annually (or within such lesser period) on prospecting operations; and
 - (b) a stage by stage description of the prospecting programme related to the expenditure referred to in (a) above for each year. This should include details of any access construction that may be necessary.
- 4 List all owners, lessees, and other occupiers of the land, and any other person having an interest in the land to whom notice must be given.

If the land in the application is only open for mining* with the consent of the owner or occupier, consents must be attached or forwarded to the Secretary within 20 working days after being requested by the Secretary.

(*Mining includes prospecting)

- 5 Prior to the filing or dispatch of this application the applicant or his authorised agent must set up a post or board in some conspicuous place on the ground with a notice to the following effect:

“This land containing (area and give description) is the subject of an application dated [*date*] for a prospecting licence under the Mining Act 1971:

[*Signature*]

Name of applicant.”

(Land cannot be entered on for posting notice without the consent of the owner and occupier or in respect of occupied Crown land without giving notice. *See* section 112 of the Mining Act 1971.)

- 6 The applicant must submit an environmental assessment of the impact of the proposed prospecting operations. An environmental assessment form is available with the application forms

Form MD 2—*continued*

and should be completed as fully as possible. This should include specific details on access requirements.

- 7 The original plus 8 copies of the application and 9 copies of the plan are to be forwarded to the Secretary together with the application fee.

Schedule 1 form MD 2: amended, on 18 January 1989, by regulation 7(c) of the Mining Regulations 1981, Amendment No 3 (SR 1988/329).

Schedule 1 form MD 2: amended, on 18 January 1989, by regulation 7(d) of the Mining Regulations 1981, Amendment No 3 (SR 1988/329).

Form MD 3
Application for limited impact prospecting
licence under the Mining Act 1971

No:

Date and time received:

Secretary of Energy,
PO Box 6342,
Te Aro,
Wellington.

Note: Original plus 8 copies required.

Name of applicant¹:

Address: [*full street address*]

Telephone No:

Occupation:

Registered office:

Address for service:

Land description²: [*continue on separate sheet if necessary*]

Time of marking out³ (if area is 40 hectares or less):

Method of prospecting⁴: [*include, on a separate sheet, scope of proposed prospecting activities in terms of section 48A of the Act.*]

Number of years for which licence is required: [*number*] years
(maximum 2 years).

Names of owners and occupiers, etc⁵:

Notice posted on ground [*date*]⁶:

Environmental assessment [*attached*]⁷:

⁸Application fee must accompany this application

I the undersigned being the applicant for the licence or his duly authorised agent do hereby certify that the above particulars are correct.

Dated at: [*place, date*]

Form MD 3—*continued*

Signature of applicant:

¹⁻⁸For notes on preparation of application, see overleaf.

(Back)

Instructions for completing application form for
licence

- 1 The full name, street address, and occupation of the applicant are to be specified. If a company, the registered office is also to be given. The address for service is the address to which formal notices are to be sent if different from other addresses indicated.
- 2(a) The land under application is to be specified and identified by reference to its area and legal description. (Include a reference to any local name by which the land is known.) The status and mineral ownership of all lands included in the application must also be given, ie:
 - (i) land ownership:
 - unoccupied Crown land
 - Crown land
 - Crown leasehold (specify tenure)
 - freehold land (if leased specify type of lease or licence)
 - Maori land
 - State forest
 - national park
 - public reserve (specify classification)
 - foreshore, sea, lake, river, streambed
 - endowment
 - (ii) mineral ownership:

(**Note:** The Mining Act 1971 reserves all gold and silver to the Crown.)

In respect of freehold land state whether the minerals (other than gold and silver) are privately owned or belong to the Crown.
- (b) Nine copies of a plan showing the area applied for in relation to cadastral boundaries, survey monuments, topographical features, etc, must also accompany the application.

Form MD 3—*continued*

- (c) The name and address of the local authority within whose district the land covered by the application lies must also be given.
- 3 Marking out is required if the area is 40 hectares or less and the date and time of marking out must be specified, eg 26 September 1981 at 2.30 pm.
- 4 The proposed method of prospecting given stage by stage for the full term of the licence must be specified. The scope of activities should indicate specifically what work is proposed, eg, the length of tracking, number of drill sites required, the number of helicopter pads to be cleared. The extent of work permitted, if a licence is granted, may be reduced in accordance with the area and type of land involved.
- 5 List all owners, lessees, and other occupiers of the land, and any other person having an interest in the land to whom notice must be given.

If the land in the application is only open for mining* with the consent of the owner or occupier, consents must be attached or forwarded to the Secretary within 20 working days after being requested by the Secretary.

(*Mining includes prospecting)

- 6 Prior to the filing or dispatch of this application the applicant or his authorised agent must set up a post or board in some conspicuous place on the ground with a notice to the following effect:

“This land containing (area and give description) is the subject of an application dated [*date*] for a prospecting licence under the Mining Act 1971:

[*Signature*]

Name of applicant.”

(Land cannot be entered on for marking out or posting notice without the consent of the owner and occupier or in respect of occupied Crown land without giving notice. *See* section 112 of the Mining Act 1971.)

Form MD 3—*continued*

- 7 The applicant must submit an environmental assessment of the impact of the proposed prospecting operations. An environmental assessment form is available with the application forms and should be completed as fully as possible.
- 8 The original plus 8 copies of the application and 9 copies of the plan are to be forwarded to the Secretary together with the application fee.

Schedule 1 form MD 3: amended, on 18 January 1989, by regulation 7(e) of the Mining Regulations 1981, Amendment No 3 (SR 1988/329).

Schedule 1 form MD 3: amended, on 18 January 1989, by regulation 7(f) of the Mining Regulations 1981, Amendment No 3 (SR 1988/329).

Form MD 4
Application for renewal of prospecting licence
under the Mining Act 1971

Secretary of Energy,
PO Box 6342,
Te Aro,
Wellington.

I [*full name, address, and occupation*] being the holder of Prospecting Licence No [*specify*] dated [*date*] hereby apply for a renewal of the said licence for a period of [*specify*].

Address for service:

Signature of applicant:

- (a) Annex statement of work done and money expended as required by section 50(4)(d) of the Mining Act 1971.
- (b) If area of land exceeds 40 hectares attach work programme etc, (regulation 9 of the Mining Regulations 1981).
- (c) Application fee must accompany this application.

Schedule 1 form MD 4: amended, on 18 January 1989, by regulation 7(g) of the Mining Regulations 1981, Amendment No 3 (SR 1988/329).

Form MD 5
Application for mining licence under the Mining
Act 1971

No:

Date and time received:

Secretary of Energy,
PO Box 6342,
Te Aro,
Wellington.

Note: Original plus 8 copies required.

Name of applicant¹:

Address: [*full street address*]

Telephone No:

Occupation:

Registered office:

Address for service:

Land description² [*continue on separate sheet if necessary*]:

Time and date of marking out³:

Minerals to be mined:

Method of mining⁴:

Work programme⁵:

Number of years for which licence is required: [*number*] years.

Names of owners and occupiers, etc⁶:

If held under a prospecting licence state a number of licence:

Notice posted on ground [*date*]⁷:

Environmental assessment [*attached*]⁸:

⁹Application fee must accompany this application

I the undersigned being the applicant for the licence or his duly authorised agent do hereby certify that the above particulars are correct.

Dated at: [*place, date*]

Form MD 5—*continued*

Signature of applicant:

¹⁻⁹For notes on preparation of application, see overleaf.

(Back)

Instructions for completing application form for
licence

- 1 The full name, street address, and occupation of the applicant are to be specified. If a company, the registered office is also to be given. The address for service is the address to which formal notices are to be sent if different from other addresses indicated.
- 2(a) The land under application is to be specified and identified by reference to its area and legal description. (Include a reference to any local name by which the land is known.) The status and mineral ownership of all lands included in the application must also be given, ie:
 - (i) land ownership:
 - unoccupied Crown land
 - Crown land
 - Crown leasehold (specify tenure)
 - freehold land (if leased specify type of lease or licence)
 - Maori land
 - State forest
 - national park
 - public reserve (specify classification)
 - foreshore, sea, lake, river, streambed
 - endowment
 - (ii) mineral ownership:

(**Note:** The Mining Act 1971 reserves all gold and silver to the Crown.)

In respect of freehold land state whether the minerals (other than gold and silver) are privately owned or belong to the Crown.
- (b) Nine copies of a plan showing the area applied for in relation to cadastral boundaries, survey monuments, topographical features, etc, must also accompany the application.

Form MD 5—*continued*

- (c) The name and address of the local authority within whose district the land covered by the application lies must also be given.
- 3 Marking out is not required if the application is for the whole of the land comprised in a previous mining licence held by the applicant provided the marks and boundaries have been maintained to the satisfaction of the Inspector of Mines. In all other cases marking out is required and the date and time of marking out must be specified, eg, 26 September 1981 at 2.30 pm.
- 4 The method of mining for the full term of the licence must be specified, eg, dredging, quarrying (open-cut), underground, sluicing, etc.
- 5 The applicant must provide details of the programme of work proposed to be carried out related to the estimated mining expenditure. Expenditure is to show the annual estimated figures and the value and type of equipment to be used, and estimated annual production.
- 6 List all owners, lessees, and other occupiers of the land, and any other person having an interest in the land to whom notice must be given.

If the land in the application is only open for mining* with the consent of the owner or occupier, consents must be attached or forwarded to the Secretary within 20 working days after being requested by the Secretary.

(*Mining includes prospecting)

- 7 At the time of marking out prior to the filing or dispatch of this application the applicant or his authorised agent must set up a post or board in some conspicuous place on the ground with a notice to the following effect:
“This land containing (area and give description) is the subject of an application dated [*date*] for a mining licence under the Mining Act 1971:

[*Signature*]

Name of applicant.”

Form MD 5—*continued*

(Land cannot be entered on for marking out or posting notice without the consent of the owner and occupier or in respect of occupied Crown land without giving notice. *See* section 112 of the Mining Act 1971.)

- 8 The applicant must submit an environmental assessment of the impact of the proposed mining operations. An environmental assessment form is available with the application forms and should be completed as fully as possible. This should include specific details of access requirements.
- 9 Original plus 8 copies of the application and 9 copies of the plan are to be forwarded to the Secretary together with the appropriate application fee.

Schedule 1 form MD 5: amended, on 18 January 1989, by regulation 7(h) of the Mining Regulations 1981, Amendment No 3 (SR 1988/329).

Form MD 6
Application for special-site licence under the
Mining Act 1971

Secretary of Energy,
PO Box 6342,
Te Aro,
Wellington.

Note: 8 copies required.

I [*full name, address, and occupation*] hereby apply for a special-site licence over the following unalienated Crown land: [*specify the land by reference to its area, legal description, and by its location in relation to cadastral boundaries, survey monuments, topographical features, etc, and annex plan*].

State the mining purpose for which licence required and give the number(s) of the mining privilege(s) concerned.

State precise time of marking out: [*eg, 26 September 1981 at 2 pm*].

Address for service:

Notice posted on ground [*date*].

Application fee must accompany this application.

I the undersigned being the applicant for the licence or his duly authorised agent do hereby certify that the above particulars are correct.

Dated at: [*place, date*]

Signature of applicant:

Schedule 1 form MD 6: amended, on 18 January 1989, by regulation 7(i) of the Mining Regulations 1981, Amendment No 3 (SR 1988/329).

Form MD 7

Application for licence under section 93 of the
Mining Act 1971 or easement certificate under
section 97 of that Act

Secretary of Energy,
PO Box 6342,
Te Aro,
Wellington.

Note: 8 copies required.

I [*full name, address, and occupation*] hereby apply for a licence (or easement certificate) in respect of the following land: [*specify the land by reference to its area and legal description, state whether the land is Crown land, private land, Maori land, etc. Show its location in relation to cadastral boundaries, survey monuments, topographical features, etc, and annex plan*].

State number of years for which licence or certificate required:

State registered number and name of licensee of mining privilege over which easement required (easement certificate only):

State nature of and reason for licence or certificate: [*eg, road, pipeline for transport of minerals, materials, etc*].

State date and number of mining privilege for the working of which licence or certificate required.

If land has to be marked out state precise time of marking out: [*eg, 26 September 1981 at 2 pm*].

Specify works to be constructed and rights exercised:

Address for service:

Name of owners and occupiers and all other persons whose interests may be affected, to whom notice of application has been forwarded:

Notice posted on ground [*date*].

Application fee must accompany this application.

Form MD 7—*continued*

I the undersigned being the applicant for the licence or the certificate or his duly authorised agent do hereby certify that the above particulars are correct.

Dated at: [*place, date*]

Signature of applicant:

Schedule 1 form MD 7: amended, on 18 January 1989, by regulation 7(j) of the Mining Regulations 1981, Amendment No 3 (SR 1988/329).

Form MD 8
Authority to act as agent under section 104(3)
of the Mining Act 1971

I, *[name]* of *[specify]* hereby authorise *[specify]* of *[specify]* to act as my agent in respect of the attached application, and I agree that whatever the said *[specify]* shall lawfully do under this authority, until revoked by me, I will at all times ratify and confirm as good and valid.

Dated at: *[place, date]*

Signed:

Form MD 9

Consent of owner and occupier of Maori and private land to land being open for mining under sections 30, 35, and 36 of the Mining Act 1971 and to the grant of a prospecting licence under that Act

I/We [*full name and address*] being the owner(s)/occupier(s) of the land/part of the land specified in the Schedule below do hereby consent to the said land being open for mining in respect of an application for a prospecting licence by [*name and address of applicant*] and to any renewal thereof and to any mining licence that may be sought in respect of this prospecting licence in accordance with the provisions of the Mining Act 1971, subject to the following conditions: [*specify if required*].

Schedule

[*Specify the land by reference to area, legal description, certificate of title, etc.*]

Dated at: [*place, date*]

Signature of owner(s)/occupier(s):

Form MD 10

Consent of owner and occupier of Maori and private land to land being open for mining under sections 30, 35, and 36 of the Mining Act 1971 and to the grant of a mining licence or licence under section 93 of that Act

I/We [*full name and address*] being the owner(s)/occupier(s) of the land/part of the land specified in the Schedule below do hereby consent to the said land being open for mining and to the grant of a [*specify type of licence sought*] applied for by [*name and address of applicant*] subject to the following conditions: [*specify if required*].

Schedule

[*Specify the land by reference to area, legal description, certificate of title, etc.*]

Dated at: [*place, date*]

Signature of owner(s)/occupier(s):

Form MD 11

Consent of owner and occupier of Maori and
private land to entry for marking out and posting
notice under section 112 of the Mining Act 1971

I/We [*full name and address*] being the owner(s)/occupier(s) of the land/part of the land specified in the Schedule below do hereby consent to entry on the said land for the purpose of marking out and posting notice in connection with the lodging of an application for a mining privilege and such incidental purposes as are authorised by section 112 of the Mining Act 1971.

Schedule

[*Specify the land by reference to area, legal description, certificate of title, etc.*]

Dated at: [*place, date*]

Signature of owner(s)/occupier(s):

Form MD 12

Notice of forwarding or lodging an application for a mining privilege (other than an exploration licence) on the owner and occupier of the land and others having an interest in the land under section 104(4) of the Mining Act 1971

To *[full name and address]* being the owner(s)/occupier(s) of, or person or body having an interest in, the land specified in the Schedule. I/We *[full name and address]* give notice of an application to the Secretary, Ministry of Energy, Wellington, for a *[specify type of privilege sought]* in respect of that land.

When the conditions under which the privilege could be granted have been established, public notice thereof will be given and a copy of that notice will be forwarded to the occupier(s) of that land.

Schedule

[Specify the land by reference to area, legal description, certificate of title, etc.]

Dated at: *[place, date]*

Signature of applicant:

Form MD 13
Notice of receipt of application
Mining Act 1971

[*Name of territorial authority*]

Pursuant to section 103C of the Mining Act 1971 (as inserted by the Mining Amendment Act 1981) public notice is hereby given that the [*name of territorial authority*] has received a copy of an application (No: [*specify*]) for a [*specify type of licence*] by [*name and address of applicant*] over the land described in the Schedule below.

Schedule

All that area of land containing [*specify*] hectares and described as follows:

either

and shown on the plan annexed.

or

A plan showing the land in the application may be inspected at the office of the [*name of territorial authority*].

A copy of the application may be inspected at the office of the [*name of territorial authority*] or of the Inspector of Mines and Quarries [*address*].

Dated at: [*place, date*]

[*Signature*]

Town/County Clerk

Form MD 14
Notice of application and proposed conditions
for the grant of a [*specify type of licence sought*]
Mining Act 1971

Pursuant to section 104(7) of the Mining Act 1971 (as substituted by the Mining Amendment Act 1981), public notice is hereby given that I/we [*full name and address*] have made application to the Minister of Energy for a [*specify type of mining privilege sought*] being application number [*specify*] over the land specified in the Schedule below and depicted in the plan annexed.

A copy of the application and conditions under which the Minister of Energy is prepared to approve this application may be inspected at the office of the [*name of territorial authority*] or of the Inspector of Mines and Quarries [*address*].

Any person or body specified in section 126(2) of the Mining Act 1971 (as substituted by the Mining Amendment Act 1981) may object to the application or to any proposed conditions by lodging a written objection in the prescribed form with the Registrar, Planning Tribunal, Tribunals Division, Justice Department, Private Bag, Postal Centre, Wellington.

Any objection must be lodged within 20 working days after the date on which this public notice is given.

Schedule

[*Specify the land by reference to area, legal description, certificate of title, and any name by which the land is commonly known.*]

Form MD 15
Notice of objection to an application under
section 126 of the Mining Act 1971

The Registrar,
Planning Tribunal,
Tribunals Division,
Justice Department,
Private Bag,
Postal Centre,
Wellington.

I/We¹ [*specify*] object to application number [*specify*] by² [*specify*]
for a³ [*specify*] public notice of which appeared in the⁴ [*specify*] on⁵
[*specify*].

The grounds of objection are:⁶ [*continue on a separate sheet if ne-
cessary*]:

Dated at: [*place, date*]

Signature of objector(s):

¹⁻⁶For notes on preparation of this form see overleaf.

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Instructions for completing form for notice of
objection

- 1 Specify full name and address of the objector.
- 2 Name and address of applicant.
- 3 Specify type of mining privilege sought.
- 4 Name of paper in which the public notice was published.
- 5 Date on which notice published.
- 6 Set out grounds of objection clearly, concisely, and in num-
bered consecutive paragraphs.

Form MD 16
Surrender/partial surrender of mining privilege
under the Mining Act 1971

Secretary of Energy,
PO Box 6342,
Te Aro,
Wellington.

I, [*full name, address, and occupation*] being the holder of the mining privilege specified in Schedule 1 hereto apply to surrender the same absolutely or as to the parts of the land set out in Schedule 2.

Schedule 1

[*Specify mining privilege*]

Schedule 2

[*Specify parts of land*]

Dated at: [*place, date*]

Signed:
Current holder of mining privilege

Schedule 1 form MD 16: amended, on 18 January 1989, by regulation 7(k) of the Mining Regulations 1981, Amendment No 3 (SR 1988/329).

Schedule 2

r 4

Fees

Schedule 2: substituted, on 1 July 1989, by regulation 7 of the Mining Regulations 1981, Amendment No 4 (SR 1989/143).

	\$
Prospector's right	90
Application for exploration licence, 1 year or less	9,562.50
More than 1 year and up to 2 years	19,125
Application for prospecting licence	2,250
Application for renewal of prospecting licence—	
40 hectares or less	393.75
Greater than 40 hectares	1,125
Application for mining licence	2,250
Application for authority to mine mineral not specified in mining licence	562.50
Application for special-site licence	2,250
Application for road, tramway, aerial ropeway, pipeline, tunnel, or bridge licence	2,250
Application for easement certificate	2,250
Application for moving-dredge easement certificate	2,250
Surrender of mining privilege (or part)	No fee
Application for duplicate licence or certificate under section 134 of the Act	112.50
Application by holder for variation of conditions under section 103D of the Act	1,687.50
Application for Minister's consent under section 123 of the Act	1,125
Application for Minister's consent under section 145 of the Act	1,125

P G Millen,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 10 December 1981.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
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 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Mining Regulations 1981. The reprint incorporates all the amendments to the regulations as at 1 October 1991, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Crown Minerals Act 1991 (1991 No 70): section 120(2)
Mining Regulations 1981, Amendment No 4 (SR 1989/143)
Mining Regulations 1981, Amendment No 3 (SR 1988/329)
