

New Zealand.

ANALYSIS.

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1913, No. 66.

AN ACT to amend the Mining Act, 1908.

Title.

[15th December, 1913.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Mining Amendment Act, 1913, Short Title. and shall form part of and be read together with the Mining Act, 1908 (hereinafter referred to as the principal Act).

2. Section two hundred and thirty-five of the principal Act is hereby amended by inserting, after the word "status," the words "or of an alluvial mine-manager's certificate of competency," and by adding to the section the following proviso:—

"Provided that a certificate under section two hundred and thirty hereof shall not be granted to a person qualified only as the holder of an alluvial mine-manager's certificate."

3. (1.) Part X of the principal Act (relating to advances to companies and persons for the development of mining) shall, *mutatis mutandis*, extend and apply to advances for the construction and maintenance of irrigation-works; and references in the said Part X to mining operations shall, for the purposes of this section, be deemed to be references to irrigation-works.

(2.) In the case of an application for an advance for the construction and maintenance of irrigation-works under this section the report of the Board constituted under section eight of the Mining Amendment Act, 1911, shall specify the character of the land proposed to be irrigated, and the nature and suitability of the proposed

Section 235 of
principal Act
amended.

Advances for
irrigation-works.

Authority to borrow moneys for purposes of Part X of principal Act.

irrigation-works, and shall also specify such further or other particulars as the Minister may require.

4. (1.) For the purposes of Part X of the principal Act the Minister of Finance, on being authorized by the Governor in Council so to do, may from time to time raise, on the security of and charged upon the public revenues of New Zealand, such sums of money as he thinks fit, not exceeding in each financial year the sum of twenty thousand pounds.

(2.) The sums so raised shall bear interest at such rate, not exceeding five per centum per annum, as the Minister of Finance prescribes.

(3.) This Act shall be deemed to be an authorizing Act within the meaning of the New Zealand Loans Act, 1908, and the moneys hereby authorized to be raised shall be raised under and subject to the provisions of that Act accordingly.

(4.) All moneys raised as aforesaid shall be paid into the Public Account to the credit of a separate account called the Mining Advances Account, and all moneys standing at the commencement of this Act to the credit of the Guaranteed Mining Advances Branch of the New Zealand State-guaranteed Advances Office shall be transferred to the said account.

(5.) All payments of principal or interest hereafter made in respect of advances by way of loan which have heretofore been granted or which may hereafter be granted for the purposes of Part X of the principal Act shall be paid into the Mining Advances Account.

(6.) There shall be paid out of the said account—

(a.) All costs and expenses incurred in raising moneys under this section and all interest on such moneys.

(b.) All sums authorized to be advanced for the purposes of Part X of the principal Act.

(c.) All sums payable to a sinking fund, as provided in the State Advances Act, 1913, in respect of moneys heretofore raised for the purposes aforesaid and deemed not to form part of the public debt; and also (by way of refund to the Consolidated Fund) all sums paid out of the Consolidated Fund pursuant to the Public Debt Extinction Act, 1910, in respect of moneys hereafter raised for the purposes aforesaid, or in respect of moneys heretofore raised and deemed to form part of the public debt.

(d.) Any sums that may be available for paying off debentures or other securities issued for the purposes of this section.

(e.) Any other charges incurred in respect of the administration of Part X of the principal Act which the Minister of Finance may approve.

(7.) Part V of the New Zealand State-guaranteed Advances Act, 1909, is hereby repealed.

5. Section three hundred and fifty-nine of the principal Act is hereby amended as follows:—

(a.) By omitting from subsection four the words "on the land held by such company," and substituting the words "on the mine and other property and assets of the company

Repeal.

Section 359 of principal Act amended.

which are the subject of the mortgage executed to His Majesty under the next succeeding section";

- (b.) By omitting from the said subsection four the words "said land," and substituting the words "mine and other property and assets of the company which are the subject of the said mortgage"; and
- (c.) By inserting, after the words "per annum" in subsection five, the words "or at such higher rate of interest as may be mutually agreed on."

6. Section three hundred and sixty of the principal Act is hereby amended by omitting the words "a first mortgage and charge over the mine and all other property," and substituting the words "a first or other mortgage and charge over the whole or such part of the mine and other property"; and by inserting, after the words "such company," the words "as the said Minister thinks fit."

Section 360 of
principal Act
amended.

7. Section three hundred and sixty-one of the principal Act is hereby amended by omitting all the words of subsection one down to and inclusive of the words "the company: and"; and by inserting, after the words "assets of the company" in subsection two, the words "comprised in the mortgage to the extent to and in the order in which the same are subject to the mortgage, and subject to such extent and order."

Section 361 of
principal Act
amended.

8. (1.) Section sixteen of the Mining Amendment Act, 1910, is hereby amended by omitting all the words of subsection four after the words "relief of miners," and substituting the words "who are incapable of following their calling by reason of pneumoconiosis, and for the relief of the families of miners who die or have died from that disease."

Section 16 of
Amendment Act,
1910, amended.

(2.) Subsection four of the said section sixteen shall not apply to any miner who has not been resident in New Zealand for at least two years before the date of his application for relief, or to the family of any miner who was not resident in New Zealand for at least two years immediately preceding the date of his death.

(3.) All applications for relief under the said section shall be made within twelve months after the date of the commencement of the incapacity of the miner or of the date of his death, as the case may be.

(4.) Section nine of the Mining Amendment Act, 1911, is hereby repealed.

9. (1.) Subject to the provisions of the next succeeding section, compensation shall in no case be payable in respect of the auriferous or argentiferous value of any land to which the claim for compensation relates.

Compensation not
payable in respect
of auriferous or
argentiferous value
of land in respect of
which claim for
compensation made.

(2.) Subject to the provisions of the next succeeding section, compensation shall in no case be payable in respect of the value of any minerals or precious stones on, in, or under any land to which the claim for compensation relates if such land is, at the time when the same is resumed or taken, open for prospecting without the consent of the owner or occupier pursuant to the provisions of section fifty of the principal Act.

Compensation not
payable in respect
of minerals and
precious stones in
certain cases.

(3.) No person shall have any right or claim to compensation against His Majesty in respect of any matter arising under the

Repeal.

Saving of rights to compensation where title to minerals established by judgment of Supreme Court or on appeal.

principal Act, except in cases for which compensation is expressly provided by the principal Act.

(4.) Section two hundred and ninety-one of the principal Act is hereby repealed.

10. (1.) Whereas it has been suggested that in some cases the owner or occupier of land may, as against His Majesty, be entitled in law to the deposits of gold and silver on, in, or under such land: And whereas it has been further suggested that in some cases the owner or occupier of land may, as against His Majesty, be entitled in law to extract for his own benefit the minerals and precious stones on, in, or under such land: And whereas it is just that in either case the claim of such owner or occupier to compensation should not be prejudicially affected by any of the provisions of the principal Act or of this Act: Be it therefore enacted as follows:—

(a.) If any such person establishes his title as aforesaid by judgment of the Supreme Court or by appeal, then, in the event of such land being resumed for mining purposes, the compensation payable to him in respect of such land shall include the additional value attached to the land by reason of the existence of the right to which title shall have been so established, anything in the principal Act or this Act to the contrary notwithstanding:

Provided that the proceedings to establish such title have been commenced either before the gazetting of the Proclamation declaring the lands to be taken or resumed on behalf of His Majesty, or not later than six months thereafter.

(b.) The provisions of this section apply only in the case of land alienated from the Crown prior to the commencement of this Act.

(c.) Nothing herein shall be construed to in any way create or recognize the existence of any right or title of any nature or kind whatsoever in any person as against His Majesty.

Repeal.

(2.) Section two hundred and ninety-two of the principal Act is hereby repealed.