

## New Zealand.



### ANALYSIS.

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1915, No. 51.

Title.

AN ACT to amend the Mining Act, 1908.

[11th October, 1915.]

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

Short Title.

1. This Act may be cited as the Mining Amendment Act, 1915, and shall form part of and be read together with the Mining Act, 1908 (hereinafter referred to as the principal Act).

Section 170 of principal Act amended.

2. (1.) Section one hundred and seventy of the principal Act is hereby amended as follows :—

(a.) By adding to the proviso to paragraph (e) the following words: “or that within a reasonable time after such expiration he applies in the prescribed form and manner for a renewal of the expired license”:

(b.) By inserting, after paragraph (h), the following paragraph :—  
“(hh.) Notwithstanding anything in paragraph (e) of this section, the renewal of a license shall not be granted in any case unless the Warden is satisfied that the mining privilege in respect of which the application is made has been *bona fide* occupied and used, and that the same is not liable to forfeiture or abandonment otherwise than by failure to renew the license; and, in the case of an application for renewal made after the expiration of the license, such application shall not be granted unless the Warden is satisfied that the failure to file the prescribed notice as to renewal before such expiration was due to inadvertence, mistake, or accident.”

(2.) Section one hundred and seventy of the principal Act as amended by this section shall apply to a license which has expired before the passing of this Act if application for renewal is made within one year after the passing of this Act:

Provided that such renewal shall not affect the rights lawfully and *bona fide* acquired by the applicant or any other person since the expiry of the original license.

(3.) In every case where a license expires after the passing of this Act and application for renewal is made after the expiration of the license, the Warden shall determine all rights and priorities in respect of the renewal of such license as between the applicant and any other person or persons who may lawfully and *bona fide* have acquired any rights since the expiry of the original license, so far as any such rights and priorities may be affected by such renewal:

Provided that the continuous use and occupation of the mining privilege in respect of which application for renewal is made shall be deemed to affect and to have affected all other persons with notice or knowledge of the existence of the license and of the applicant's right of renewal under this Act.

(4.) The foregoing provisions, in so far as they relate to the renewal of licenses for mining privileges after the expiration of such licenses, shall apply to water-race licenses granted under any former Mining Act, anything in paragraph (b) of section one hundred and twenty-two of the principal Act to the contrary notwithstanding.

3. (1.) The Minister of Mines or any person authorized by him may, on behalf of His Majesty, apply for, lease, purchase, or otherwise acquire and hold, or sell, lease, or otherwise dispose of, any mining privilege under the principal Act in the same manner in all respects as if he were a private person.

Minister may acquire mining privileges in same manner as private person.

(2.) Any mining privilege heretofore or hereafter acquired on behalf of His Majesty shall confer upon His Majesty the same rights, benefits, and privileges as would be conferred upon a private person if such person were the holder thereof; but such mining privilege shall not be liable to be revoked, cancelled, forfeited, or declared abandoned for any cause whatever without the consent of the Minister of Mines, and any transfer or mortgage of any mining privilege to his Majesty shall not operate as a merger of the term and interest created by such mining privilege.

(3.) So long as His Majesty or any person on his behalf is the holder of a water-race license, whether acquired before or after the commencement of this Act, the provisions of section one hundred and seventeen of the principal Act shall not apply to such license, but His Majesty or any person on his behalf may use or authorize the use of such water-race for any purpose he may deem fit, anything in the principal Act to the contrary notwithstanding.

4. (1.) Section sixteen of the Mining Amendment Act, 1910, is hereby amended—

Increase of gold duty.

(a.) By omitting from subsection one the word "threepence," and substituting the word "sixpence"; and

(b.) By inserting, after subsection two, the following subsection:—

“(2A.) The duty collected under this section shall be paid into the Public Account to the credit of the Consolidated Fund.”

(2.) The amendment made by paragraph (a) of the last preceding subsection shall not come into operation until the first day of October, nineteen hundred and sixteen.

Repeal.

5. The Public Works Amendment Act, 1914, is hereby repealed.

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