

New Zealand.



Title.

ANALYSIS.

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1924, No. 44.

AN ACT to amend the Mining Act, 1908.

[6th November, 1924.]

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, 1924, and shall be read together with and deemed part of the Mining Act, 1908 (hereinafter referred to as the principal Act).

2. (1.) On the request in writing of any local authority, or public body, or trustee (including the Public Trustee or the Native Trustee), in whom any estate or interest in land, or the control of any land, is vested for any special purpose, the Governor-General, acting as the duly authorized agent of such local authority, public body, or trustee, as the case may be, may grant over any such land a license or licenses to prospect thereon for petroleum or other mineral oil, or for any natural gas, and may also grant leases to mine on any such land for petroleum, mineral oil, or natural gas as aforesaid:

Provided that no lease or license shall be granted under this section save with the consent in writing of any lessee, licensee, or other person having any registered interest in the land affected, or having any other interest disclosed by a register under the Land Transfer Act, 1915, or the Deeds Registration Act, 1908.

(2.) Every lease or license granted under this section shall be subject to such terms and conditions as the Governor-General may in any case impose.

(3.) All rents and royalties derived from any such lease or license (after deducting therefrom an amount equal to five per centum thereof in respect of the expenses of administration) shall be paid to the person or body in whom the land is vested, to be applied in the manner lawfully provided with respect to the revenues derived from such land.

Title.

Short Title.

Governor-General may, on request, issue leases or licenses to prospect or mine for mineral oil on land held in trust for special purpose.

(4.) Notwithstanding anything to the contrary in any Act or in any rule of law, every local authority, or public body, or trustee, in whom any land, or the control of any land, is vested as aforesaid shall have authority to make a request as provided in subsection one hereof for the issue of a lease or license under this section.

Consequential repeal.

(5.) This section is in substitution for section eleven of the Mining Amendment Act, 1911, and that section is hereby accordingly repealed. All leases and licenses issued under the said section eleven and in force at the commencement of this Act shall continue in force as if they had been granted under this section.

Extension of authority to grant dredging claims or alluvial claims.

3. (1.) Notwithstanding anything to the contrary in the principal Act, the Warden may, in his discretion, but subject to the approval of the Minister and to such terms and conditions as may be imposed by the Minister, grant an application for a dredging claim or an alluvial claim of any shape, but not exceeding eight miles in length or twelve hundred acres in area, in any case where the land to which the application relates has been previously held as a dredging claim or as an alluvial claim and has been abandoned, or, in the case of an application for a dredging claim, where the ground to be dredged is of a depth not exceeding a depth to be approved by the Minister.

Consequential repeals.

(2.) This section is in substitution for section three of the Mining Amendment Act, 1910, as amended by section eight of the Mining Amendment Act, 1920, and those sections are hereby accordingly repealed.

Protection against forfeiture of special dredging claims worked on tribute.

4. (1.) No dredging claim which comprises any part of the bed or bank of a river or stream, and in respect of which a tribute agreement has been entered into pursuant to section two hundred and twenty-five of the principal Act, shall be forfeited or be deemed to be abandoned save with the consent in writing of the Minister.

(2.) Every mining privilege in respect of any such dredging claim shall, without application by or on behalf of the licensee, be deemed to be protected at all times while, owing to the depth of water in the river or stream, it is impracticable to work the claim efficiently. For the purposes of this subsection a certificate in writing under the hand of an Inspector that the efficient working of the claim has been prevented by reason of the depth of water in the river or stream shall be sufficient evidence of that fact, and in any judicial proceedings where such certificate is produced judicial notice shall be taken of the signature of the Inspector.

Removal from register to constitute determination of mining privilege.

5. (1.) Every mining privilege that has heretofore been or that may hereafter be removed from the register of mining privileges pursuant to section thirty of the Mining Amendment Act, 1914, if not restored to the register by the Warden on application under that section, shall be and be deemed to have been determined as from the date of the *Gazette* containing the notice of removal published pursuant to that section.

(2.) Any order made by the Warden, pursuant to the said section for the restoration to the register of any mining privilege which has been removed in accordance with that section may be made subject to such terms and conditions (whether as to the payment of any costs, fees, or charges, or as to any other matter) as the Warden, having regard to all the circumstances of the case, thinks proper.

Licenses for dams not to be granted without written consent of Minister

6. Section one hundred and sixty-five of the principal Act as amended by section seven of the Mining Amendment Act, 1922, is hereby further amended by inserting, after subparagraph (ii) of paragraph (y), the following: "or (iii) If the application is for a license for a dam."