

New Zealand.



ANALYSIS.

Title.

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| <ol style="list-style-type: none"> 1. Short Title. 2. Further provisions as to appeals from decisions of Warden or Warden's Court. Repeals. 3. Restricting operation of section 66 (f) of principal Act (as to cutting timber from unalienated Crown land). 4. Prospecting warrants or licenses may be granted in certain cases without applicant paying or giving security for compensation. | <ol style="list-style-type: none"> 5. Section 88 of principal Act (as to dredging claims along stream or foreshore) amended. Consequential repeal. 6. Imposing conditions on grant of special-site licenses in Hauraki District. 7. Appointment of examiners. 8. Sections 244 and 251 (b) of principal Act amended. 9. Section 377 of principal Act amended. |
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1935, No. 28.

AN ACT to amend the Mining Act, 1926.

Title.

[26th October, 1935.]

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, 1935, and shall be read together with and deemed part of the Mining Act, 1926 (hereinafter referred to as the principal Act).

Short Title.

See Reprint
of Statutes,
Vol. V, p. 943

Further provisions as to appeals from decisions of Warden or Warden's Court. Cf. 1928, No. 14, s. 164 (1) (*d*), see Reprint of Statutes, Vol. II, p. 152

2. (1) Subject to the provisions of this section, notice of every appeal under section three hundred and sixty-six of the principal Act shall be given by the appellant within seven days after the giving of the decision to be appealed from, and the appellant shall also within such seven days give security to abide the event of the appeal, in such form and to such amount as may be approved by the Warden's Court or a Warden, not being less than will be sufficient to cover the costs of the appeal.

(2) Where the decision to be appealed from was given before the passing of this Act in proceedings that were commenced on or after the seventh day of November, nineteen hundred and thirty-four (being the date of the passing of the Mining Amendment Act, 1934), and notice of appeal has not been given before the passing of this Act, the notice of appeal and security as aforesaid shall be given within fourteen days after the passing of this Act. Where notice of appeal from any such decision has been given before the passing of this Act, and the appeal has not been determined, security as aforesaid, if not already given, shall be given within fourteen days after the passing of this Act.

(3) Where the proceedings were commenced before the passing of the Mining Amendment Act, 1934, and notice of appeal has been given before the passing of this Act, the appeal shall continue and be heard and determined in all respects as if section thirty-four of the Mining Amendment Act, 1934, and this section had not been passed.

Repeals.

(4) Section three hundred and seventy of the principal Act, and the proviso to subsection two of section thirty-four of the Mining Amendment Act, 1934, are hereby repealed.

Restricting operation of section 66 (*f*) of principal Act (as to cutting timber from unalienated Crown land).

3. Notwithstanding anything to the contrary in section sixty-six of the principal Act, no body corporate, except with the consent of the Minister and of the Commissioner of State Forests and subject to such terms and conditions as they agree upon, shall be entitled to exercise the authority to cut timber conferred on the holder of a miner's right by paragraph (*f*) of that section.

4. Where the Commissioner of Crown Lands for the district in which the land comprised in an application for a prospecting warrant or license is situated reports to the Warden that the land is of little or no value for agricultural or pastoral purposes and that the damage likely to be caused to the land by prospecting pursuant to the warrant or license is negligible, the Warden may, if he thinks fit, order that the provisions of paragraph (c) of section seventy-five of the principal Act shall not apply with respect to the granting of a warrant or license pursuant to that application.

Prospecting warrants or licenses may be granted in certain cases without applicant paying or giving security for compensation.

5. (1) Section eighty-eight of the principal Act, as amended by section twelve of the Mining Amendment Act, 1934, is hereby further amended by omitting from the first proviso to subsection one the words "six hundred acres", and substituting the words "one thousand acres".

Section 88 of principal Act (as to dredging claims along stream or foreshore) amended.

(2) Subparagraph (iv) of paragraph (a) of section twelve of the Mining Amendment Act, 1934, is hereby repealed.

Consequential repeal.

6. Notwithstanding anything to the contrary in the principal Act, no special-site license shall be granted under section one hundred and forty-four of that Act in respect of any land in the Hauraki Mining District except with the previous consent in writing of the Minister and subject to such terms and conditions as he may impose.

Imposing conditions on grant of special-site licenses in Hauraki District.

7. The Board of Examiners constituted under section two hundred and forty-one of the principal Act may, subject to the approval of the Minister, appoint examiners for the purposes of examinations to be conducted by the Board. Without limiting the generality of the foregoing provision, any member of the Board may be appointed an examiner under this section.

Appointment of examiners.

8. Section two hundred and forty-four and paragraph (b) of section two hundred and fifty-one of the principal Act are hereby amended by omitting the words "cyanide-of-potassium process", and substituting in each case the words "cyanide process".

Sections 244 and 251 (b) of principal Act amended.

9. Section three hundred and seventy-seven of the principal Act is hereby amended by omitting the words "five thousand pounds", and substituting the words "five hundred pounds".

Section 377 of principal Act amended.