



NEW ZEALAND

ANALYSIS

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title and commencement. 2. Royalty on mineral licences to be fixed by weight or quantity. 3. Restricting right to renewal of mining licences. 4. Appointment of Wardens. | <ol style="list-style-type: none"> 5. Consent of Minister required to grant of mining privilege over land affected by coal-mining right. 6. Hours of work underground not to exceed seven hours a day. 7. Repeal. 8. Restricting employment of youths underground. 9. Age and experience of miners put in charge of places. |
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1948, No. 26

Title.

AN ACT to amend the Mining Act, 1926.

[29th October, 1948

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

Short Title and commencement.
See Reprint of Statutes, Vol. V, p. 943

1. (1) This Act may be cited as the Mining Amendment Act, 1948, and shall be read together with and deemed part of the Mining Act, 1926 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the first day of January, nineteen hundred and forty-nine.

Royalty on mineral licences to be fixed by weight or quantity.

2. (1) Section one hundred and six of the principal Act is hereby amended by omitting from paragraph (e) the words “being not less than one-hundredth nor more than one twenty-fifth of their value at the pit’s mouth”, and substituting the words “fixed by reference to their weight or quantity”.

REV. 13

NO. 5.

(2) The foregoing provisions of this section shall not apply with respect to any licence granted before the commencement of this Act.

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

Restricting
right to renewal
of mining
licences.

(a) By inserting, after paragraph (*d*) of subsection one, the following new paragraphs:—

“ (*dd*) A licence other than a business-site licence or a residence-site licence shall not be renewed, but if the holder so desires he may make a fresh application on the expiry of the licence and on the expiry of each successive licence. Every such application made on the expiry of the original licence (but not of any successive licence) shall have priority over all other applications in respect of the same area if—

“ (i) The applicant has given notice in writing, not less than three days before the expiry of his licence, of his intention to apply for a new licence;

“ (ii) The application is made not later than fourteen days after the expiry of the licence, and the land comprised therein has within that period been identified or marked out in such manner (if any) as may be required; and

“ (iii) The Warden is satisfied that the applicant has satisfactorily carried out the terms and conditions of the expired licence:

“ (*ddd*) Where a new water-race licence is granted to the holder of a water-race licence upon an application made on the expiry of the former licence, and the conditions set out in subparagraphs (i), (ii), and (iii) of paragraph (*dd*) hereof are fulfilled, the licensee's priorities and other rights in respect of the race and the water shall be the same under the new licence as they were under the former licence:”

(b) By omitting from paragraph (e) of subsection one the words "any licence", and substituting the words "any business-site licence or residence-site licence".

(2) Section one hundred and seventy-seven of the principal Act is hereby amended by omitting from subsection four the words "receive a renewal of his licence", and substituting the words "apply for a fresh licence".

(3) The foregoing provisions of this section shall not apply with respect to any licence granted before the commencement of this Act.

Appointment
of Wardens.

4. Section nine of the principal Act is hereby amended by omitting the words "Order in Council", and substituting the words "warrant under his hand".

Consent of
Minister
required to
grant of mining
privilege over
land affected
by coal-mining
right.

5. Section one hundred and sixty-nine of the principal Act (as amended by section eighteen of the Mining Amendment Act, 1934), is hereby further amended by inserting in paragraph (y), after subparagraph (ii), the following subparagraph:—

"(iii) If the application is for a mining privilege of any description affecting land which is the subject of a coal-mining right granted under the Coal-mines Act, 1925,—"

1934, No. 26

Act. 19

Y. 1

See Reprint
of Statutes,
Vol. V, p. 843

Hours of work
underground
not to exceed
seven hours a
day.

6. Section two hundred and sixty-five of the principal Act is hereby amended by omitting the words "eight hours", and substituting the words "seven hours".

Repeal.

7. Section two hundred and sixty-six of the principal Act is hereby repealed.

Restricting
employment of
youths
underground.
1937, No. 19

8. Section twenty-seven of the Mining Amendment Act, 1937, is hereby amended as follows:—

(a) By omitting from subsection one and also from subsection four the words "eighteen years", and substituting in each case the words "nineteen years":

(b) By adding to the said subsection one the following proviso:—

"Provided that nothing in this subsection shall apply to any student of any constituent college of the University of New Zealand who is for the time being required to obtain experience underground in any mine for the purposes

of his course of study for the degree of Bachelor of Engineering (Mining) or any diploma of the Otago School of Mines.”

9. A miner shall not be put in charge of any place in a mine unless he is of the age of twenty-one years or upwards and has had at least two years' experience in underground mining, of which at least twelve months have been at the face with an experienced miner, or has had at least two and a half years' experience in underground coal-mining, together with at least twelve months' experience at the face with an experienced miner in underground mining:

Age and experience of miners put in charge of places.

Provided that where each place in a mine is worked by only one miner the above requirement that the miner in charge shall have had at least twelve months' experience at the face with an experienced miner may be relaxed by the Inspector in such cases as he considers necessary, but in no case unless he is satisfied that the work of the miner in charge of the place can be adequately supervised by an experienced miner.