



ANALYSIS

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1965, No. 41

An Act to amend the Mining Act 1926

[6 October 1965]

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

1. Short Title—This Act may be cited as the Mining Amendment Act 1965, and shall be read together with and deemed part of the Mining Act 1926 (hereinafter referred to as the principal Act).

2. Rights of holders of mineral prospecting warrants—
(1) The principal Act is hereby amended by repealing section 81 and substituting the following section:

“81. The holder of a mineral prospecting warrant shall, in such manner and subject to such conditions as may be prescribed, have the right in priority to any other person of obtaining a licence for any mining privilege in respect of the land to which his mineral prospecting warrant relates.”

(2) Paragraph (a) of section 106 of the principal Act is hereby amended by inserting, after the words “prospecting licence”, the words “or mineral prospecting warrant”.

(3) Paragraph (b) of section 106 of the principal Act is hereby amended by inserting, after the words “prospecting licence”, the words “or mineral prospecting warrant”.

(4) Paragraph (c) of section 106 of the principal Act is hereby amended by omitting the words “three hundred and

twenty acres”, and substituting the words “one thousand acres”.

(5) Section 107 of the principal Act is hereby repealed.

3. Special authorisations by Minister—(1) The principal Act is hereby amended by inserting, after section 106, the following section:

“106A. (1) Notwithstanding anything to the contrary in this Act, the holder of a mineral prospecting warrant or a mineral licence may apply to the Minister for authority under this section to prospect or mine for gold or other precious metal or for any mineral not specified in the warrant or licence on the land to which the warrant or licence relates.

“(2) Every application under this section shall be forwarded to the Under-Secretary.

“(3) The Minister, if he is of the opinion that it would be proper and reasonable for the applicant to prospect or mine for the gold, metal, or mineral to which the application relates while prospecting or mining for the mineral to which the warrant or licence relates, may grant the application either unconditionally or upon and subject to such terms and conditions, including the payment of royalties, as he thinks fit.

“(4) The grant or refusal of any authorisation under this section shall be in the absolute discretion of the Minister and every such authorisation shall be in writing under the hand of the Minister.

“(5) Where an authorisation in respect of gold is granted under this section to the holder of a mining privilege, the gold, for the purposes of this Act, shall be deemed to be a mineral to which the mining privilege applies and the provisions of this Act relating to gold (other than Part XI of this Act) shall not apply to the mining privilege.

“(6) Every authorisation under this section shall forthwith be transmitted by the Under-Secretary to the appropriate Mining Registrar and shall be registered against the mining privilege affected.”

(2) Section 100 of the principal Act is hereby amended by inserting, after the word “may”, the words “,with the consent of the Minister and on such terms and conditions as to royalties and otherwise as he may impose,”.