

New Zealand.



ANALYSIS.

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1903, No. 81.

AN ACT to amend "The Mining Act, 1898."

[23rd November, 1903.]

Title.

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

1. The Short Title of this Act is "The Mining Act Amendment Act, 1903." Short Title.

2. The word "miner" where used in section nine of "The Mining Act Amendment Act, 1902," shall mean and include every workman employed underground in a mine. Interpretation of word "miner."

3. The words "or hereafter" in the first line of section nine, and also subsection three of section nine, of "The Mining Act Amendment Act, 1902," are hereby repealed. Repeals.

4. (1.) Any accident occurring in a mine shall be *prima facie* evidence that such accident occurred through some negligence on the part of the owner. Compensation recoverable in case of accidents.

(2.) If any person employed in or about any mine suffers any injury in person, or is killed, owing to the non-observance in such mine of any of the provisions of this Act, such non-observance not being solely due to the negligence of the person so injured or killed, or owing in any way to the negligence of the owner of such mine, his agents or servants, the person so injured, or his personal representatives, or the personal representatives of the person so killed, may recover from the owner compensation by way of damages as for a tort committed by such owner; and the amount of such compensation, with the costs of recovering the same when determined, shall constitute a charge on the mine and mining plant in or about which such person was so employed, and all charges arising under the provisions of this section shall, as between themselves, be paid rateably.

(3.) Such compensation may be recovered under the provisions of "The Workers' Compensation for Accidents Act, 1900," or "The Deaths by Accidents Compensation Act, 1880," or "The Employers' Liability Act, 1882," which shall respectively be applicable, according to the circumstances of each particular case; subject, however, that notice of injury having been sustained may be given under the last-mentioned Act at any time within three months from the occurrence of the accident causing the injury, instead of within six weeks as in the said Act mentioned.

(4.) Nothing in this section shall take away from any person any right to take proceedings in respect of a claim for compensation for injury or death by accident which he may have under any Act other than this, if he prefers to proceed under such Act, but in such case he shall forfeit any right he may have to take proceedings under this section.

Water-race license may be granted temporarily for other purposes.

5. On application duly made to him on that behalf in manner provided by section one hundred and thirty-six of "The Mining Act, 1898," the Warden may change the purposes for which any water-race license is held for any other specified purpose or purposes for which such license may have been granted under "The Mining Act, 1898," subject to the proviso contained in subsection eight of section one hundred and twenty-eight of that Act, and subject also in every case to the approval of the Minister:

Provided that all such grants shall be subject to the condition that the right granted may at any time, if the water is required for mining purposes in the district, be revoked and restored to its original position.

Extending time for which water-race license has been granted.

6. (1.) For all the purposes of section two of "The Mining Act Amendment Act, 1900," a water-race license granted for the term of one year with right of renewal shall be deemed to have been granted without reference to any specified term of years, and the provisions of paragraph three of that section shall apply thereto accordingly.

(2.) This section shall be deemed to have had effect as from the passing of "The Mining Act Amendment Act, 1900."