



Mining Act 1898

- Citation:** 62 V. No 38
- Date of Assent:** 5 November, 1898
- Commencement:** 1 February, 1899
- Repeal:** Repealed 1905, No 39
- Amendments:** 1899, No 29: Amends s59.
 1900, No 64: See s3 regarding limit of stream or foreshore along claims.
 1902, No 22.
 1903, No 81.
 1904, No 33: See separate record.
- Type of Legislation:** Public
- Subject:** Mining
 Validation
 Reserved Land
 Wahi Tapu & Non Tangible Resources
- Relevant Sections:** s2: Definitions of Native ceded land, Native land and Native reserves.
 s24: All public reserves and Native reserves to be exempt from operation of the Act.
 s25(5): Native reserves may be brought under the Act.
 s26: Nothing shall empower any person to interfere with works already constructed on any Native reserve by the Trustees or the Native owners.
 ss28 - 36 *Native lands*.
 s28: NLCt may, with the written consent of a majority of owners, declare Native land open for prospecting or ceded for mining purposes.
 s29: Lands reserved by Natives as sites for residences, cultivations, burial grounds and otherwise on the ceding of land to the Crown for mining purposes, are to be available for mining purposes providing the purposes for which they were reserved is not prejudicially affected.
 s30: All Native ceded lands are declared to be open for mining.
 s31: All fees, royalties and rents received in respect of Native lands shall be payable to the Native owners.
 s32: Business and residence sites on Native ceded land.
 s33: Penalty for mining on Native land without authority.

Relevant Sections and Commentary continued next page



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s35: Rights of the Crown under the Ohinemuri Block deed of cession not to abate on extinguishment of Native title.

s36: Mining rights over Native lands to remain unaffected when Native title extinguished.

s50: Alienated Crown and Native lands shall be open for prospecting and shall be liable to be resumed by the Crown for mining purposes.

ss59 - 61: Surrender or determination of outstanding lease or licenses granted by Native or other owners prior to acquisition of land by the Crown.

s63: Special provision as to miners' rights relating to Native land.

s68: Prospecting licenses in respect of Native land may be issued by the Governor whether such land is inside or outside a mining district.

s87: Miners' rights on Native ceded land.

s319: Validation of mining privileges on land acquired from Natives while subject to lease to Kauri Timber Co Ltd.

Commentary: According to the Debates this Act is largely consolidation and the new clauses are not those relating to Maori land.

Cross Reference: –