



## Mining Act 1905

1905

- Citation:** 5 Edw. VII, No 39  
**Date of Assent:** 30 October, 1905  
**Commencement:** Date of Assent
- Repeal:** Repealed & re-enacted 1908, No 120  
**Amendments:** 1905, No 55: Deals mainly with advances to companies for development of mining and gold buyers.  
1906, No 47: General amendment.
- Type of Legislation:** Public  
**Subject:** Mining  
Lakes, Rivers, Beds, Foreshores etc.  
Reserved Land  
Wahi Tapu & Non Tangible Resources
- Relevant Sections:**
- s2: Native ceded land defined as land over which the Crown by cession agreement or otherwise, possesses the right to authorise the carrying on of mining operations. **Native land** defined as land owned by Natives and acquired otherwise than by purchase from the Crown, whether the title to the land has been ascertained by the NLCt or not.
  - s23: All... Native reserves declared to be exempt from the operation of this Act. Proviso that all reserves which at the commencement of this Act were subject to any former mining Act shall be subject to this Act.
  - s24: Provision for... Native reserves to be brought under this Act.
  - s27: Notwithstanding s23, Governor may declare any... Native reserve to be available for mining at a depth below 50 feet. Thus only the surface to remain a reserve.
  - ss29 - 37: *Native Lands*
  - s29: NLCt may declare Native land open for prospecting or ceded for mining purposes.
  - s30: Reserves made by Natives (on the cession of land to the Crown for mining) for residences, cultivations and burial grounds shall also be available for mining provided that the reserve is not prejudicially affected.
  - s31: All Native ceded lands open for mining.
  - s34: Penalty for mining on Native land without authority.
  - s35: This Act not to affect the Auckland Goldfield Agricultural Leases Validation Act 1869 and the Ohinemuri Goldfield Agricultural Leases Validation Act 1876.

*Relevant Sections and Commentary continued over page*



**Mining Act 1905** *continued*

**s36:** Rights under the Ohinemuri deed of cession not to abate extinguishment of Native title.

**s37:** Mining rights over Native lands when Native title extinguished.

**s51:** Lands alienated from the Native owners shall be open for prospecting and shall be liable to be resumed by the Crown for mining purposes.

**ss60 - 63:** Surrender or determination of outstanding leases or licenses granted by Native or other owners prior to acquisition of land by the Crown.

**s65:** Special provision as to miners rights relating to Native ceded land. Half of the fee to be distributed among Native owners.

**s70:** The Governor may issue a prospecting warrant in respect of Native land whether such land is inside or outside a mining district.

**s86:** The powers of granting mineral prospecting warrants conferred under *ss77 - 85* may be exercised by the Governor in respect of Native lands.

**s88:** Extent of mining claim along stream or foreshore.

**s93:** Claims under the sea or on the foreshore.

**s100:** Rent for Native ceded land.

**Commentary:** A statutory compilation of mining legislation from 1897 - 1904.

**Cross Reference:** -