



ANALYSIS

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Consolidation of licences for adjoining claims. 3. Consolidation of licences for alluvial or dredging claims not adjoining. 4. Consequential repeals. | <ol style="list-style-type: none"> 5. Section 195 of principal Act (as to abandonment of dredging claim) amended. 6. Section 295 of principal Act (as to recovery of damages for death or injury) amended. 7. Mining privileges acquired by or on behalf of His Majesty. |
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1947, No. 41

Title.

AN ACT to amend the Mining Act, 1926.

[25th November, 1947

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

Short Title.

1. This Act may be cited as the Mining Amendment Act, 1947, and shall be read together with and deemed part of the Mining Act, 1926 (hereinafter referred to as the principal Act).

See Reprint of Statutes, Vol. V, p. 943

Consolidation of licences for adjoining claims.

2. (1) For the purpose of consolidating the licences for adjoining claims of any description granted or acquired under this Act or any former Mining Act, any two or more of such claims that are duly registered may with the consent of the Minister, on application being made to the Warden in accordance with this section, be amalgamated into one claim in the prescribed manner and subject to the prescribed conditions:

Provided that the total area of the amalgamated claim shall not exceed the maximum area prescribed for a special claim of the same description.

(2) Every application for amalgamation shall be made in the prescribed manner, and shall specify or identify the area, boundaries, dimensions, situation, and name of the existing claims to be amalgamated, and the nature of the titles under which they are held, and also the area, boundaries, dimensions, and situation of the proposed amalgamated claim.

(3) The ground, if already marked out or surveyed for the purposes of the existing claims, shall be deemed to be marked out or surveyed for the purposes of the application:

Provided that the Warden may direct a new marking-out or survey to be made if he thinks fit.

(4) Before granting the application the Warden shall, in addition to being satisfied as to all other necessary matters, be satisfied—

- (a) That the titles to the claims to be amalgamated are validly subsisting and are neither abandoned by operation of law nor liable to forfeiture:
- (b) That no proceedings are pending in respect of such abandonment or forfeiture as aforesaid:
- (c) That all sums owing to His Majesty under the said titles in respect of rent, fees, royalties, penalties, or otherwise are fully paid up to the date of the amalgamation.

(5) Simultaneously with the grant of the licence for the amalgamated claim the titles for the claims that are being amalgamated shall be deemed to be surrendered.

(6) Subject to the foregoing provisions of this section, a licence granted for an amalgamated claim shall be granted for the same term and subject to the same fees, rent, royalty, and other payments, and to the same provisions and conditions, as in the case of a licence granted under the principal Act pursuant to original application:

Provided that rent shall be payable in respect of the several areas of the claims amalgamated under this section in all respects as if those claims were not

amalgamated but were held under mining privileges continuing for the term of the licence for the amalgamated claim.

Consolidation of licences for alluvial or dredging claims not adjoining.

3. The provisions of the last preceding section shall, so far as applicable and with the necessary modifications, apply with respect to alluvial or dredging claims that are not adjoining claims:

Provided that no such claim shall be amalgamated with another under this section unless the distance between the nearest boundaries of the claims to be amalgamated does not exceed sixteen miles in the case of dredging claims, or half a mile in the case of alluvial claims of any other description, or such greater distance in either case as the Minister approves.

Consequential repeals.

4. (1) The last two preceding sections are in substitution for section one hundred and fifty-nine of the principal Act, and that section is hereby accordingly repealed.

1937, No. 19

(2) Section fourteen of the Mining Amendment Act, 1937, is hereby consequentially repealed.

Section 195 of principal Act (as to abandonment of dredging claim) amended.

1934, No. 26

5. Subsection one of section one hundred and ninety-five of the principal Act, as amended by paragraph (a) of subsection one of section twenty-one of the Mining Amendment Act, 1934, is hereby further amended by omitting the words "before such expiration".

Section 295 of principal Act (as to recovery of damages for death or injury) amended.

6. Section two hundred and ninety-five of the principal Act is hereby amended as follows:—

(a) By omitting from subsection one all words after the words "agents or servants", and substituting the words "any negligence on the part of the person so injured or killed shall not be a defence to any proceedings arising out of or in connection with the injury to or death of that person":

(b) By repealing subsections three and four.

Mining privileges acquired by or on behalf of His Majesty.

7. (1) Section ninety-seven of the principal Act is hereby amended as follows:—

(a) By inserting in subsection two, after the word "acquired", the words "by or":

(b) By inserting in the same subsection, after the words " privilege to His Majesty ", the words " or to any person on his behalf ".

(2) Subsection four of section ninety-seven of the principal Act shall apply and shall be deemed always to have applied to mining privileges held by His Majesty as well as to those held on behalf of His Majesty.
