

Hon. Mr. McGowan.

MINING ACT AMENDMENT.

ANALYSIS.

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| Title.
1. Short Title.
2. Reserves under Mining Act to be of surface only.
3. Occupied Crown lands may be reserved with consent of occupier.
4. Leases in mining townships.
5. Protection of machine-sites, &c. | 6. Part of mining privilege may be surrendered.
7. Taking possession of cultivated land, &c.
8. Compensation for damages to occupied land.
9. Assessors' roll.
10. Appellate jurisdiction of District Courts.
11. Registration of Proclamation taking land under Public Works Act. |
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A BILL INTITULED

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

Title.

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. The Short Title of this Act is "The Mining Act Amendment Act, 1904"; and it shall form part of and be read together with "The Mining Act, 1898" (hereinafter referred to as "the principal Act").

2. (1.) Notwithstanding anything in section twenty-four of the principal Act, the Governor may from time to time by notice in the *Gazette* declare that any lands now or hereafter set apart as a public reserve or endowment, or Native reserve, or any specified part thereof, shall be available for mining at a depth below fifty feet from the surface; and thereupon such lands may be dealt with accordingly under the principal Act.

Reserves under Mining Act to be of surface only.

(2.) The provisions of paragraphs two to five of section twenty-five of the principal Act shall, *mutatis mutandis*, extend and apply to all lands specified in such notice.

(3.) The Warden, with the consent of the Minister, may, on application by the holder of any claim, grant the right to use any part of the surface of any such reserve or endowment for the purpose of constructing ventilating-shafts, pumping-shafts, or for other special purposes required for working the claim.

3. (1.) Any Crown lands now or hereafter lawfully held or occupied under the principal Act by any person may, with the consent in writing of such person, be set apart as a reserve for any public use or purpose.

Occupied Crown lands may be reserved with consent of occupier.

(2.) Such reservation may, in accordance with the tenor of the consent, be of the whole of the land, or of the surface, and any specified depth from the surface.

(3.) Every such consent shall be registered in the office of the Warden.

Leases in mining townships.

4. (1.) The Warden, under regulations to be made in that behalf and with the consent in writing of the Minister, may from time to time grant to any person a lease of the surface of any section in any township within a mining district for any term not exceeding twenty-one years at such rent and under such restrictions as may be prescribed by such regulations; and with respect to every such lease, whether granted under this Act or in renewal of any lease heretofore granted by the Governor under the principal Act or under the corresponding provisions of any former Mining or Land Act, the following provisions shall apply:—

(a.) Such lease shall entitle the lessee to all the rights and privileges enjoyed by holders of business-site licenses under the principal Act.

(b.) If at any time during the currency or at the termination of any such lease the land comprised therein is proved to the satisfaction of the Governor to be neither auriferous nor argentiferous, nor to be required for any mining purpose, such land may be sold by public auction, subject to valuation for building and improvements, in the manner and to the extent provided for in section forty of the principal Act.

(c.) At the end of the lease, unless the land is proved to be auriferous or argentiferous, the lessee shall be entitled to a renewal of the lease for a further period of twenty-one years at such rent and under such terms and restrictions as may be prescribed by regulations to be made in that behalf.

(d.) The rents arising from all such leases shall be goldfields revenue, and payable to the Receiver of Gold Revenue of the district in which the land is situated.

(2.) This section is in substitution for section forty-three of the principal Act, which section is hereby accordingly repealed.

Protection of machine sites, &c.

5. Notwithstanding anything in the principal Act, or in "The Mining Act Amendment Act, 1899," the Warden, in the case of a machine-site or other mining privilege to be used in working a claim, may from time to time, on application in that behalf, extend the date of the commencement of works on such mining privilege for such period as he thinks fit, having regard to the nature and extent of the operations on the claim.

Part of mining privilege may be surrendered.

6. (1.) The right of surrender of a mining privilege conferred by section one hundred and twenty-seven of the principal Act may be exercised as to part only of the mining privilege, and that section is hereby modified accordingly.

(2.) The surrender of part only of a mining privilege shall be indorsed by the Warden on the license, and thereafter the rental payable in respect of the mining privilege shall be proportionately reduced.

7. No order made by the Warden under section one hundred and sixty-six of the principal Act shall have effect for a longer period than three months after its date, unless in the meantime the holder of the mining privilege on whose application the order was made
5 proceeds to exercise the rights in respect of which the claim for compensation arose.

Taking possession of cultivated land, &c.

8. The compensation payable under section one hundred and sixty-seven of the principal Act by any person to the owner and occupier of land in respect of damage caused to such land by mining
10 operations shall be assessed in the manner prescribed by the principal Act, and the amount thereof when so assessed shall be recoverable as a debt.

Compensation for damages to occupied land.

9. Section two hundred and fifty-six of the principal Act (relating to the compilation of Assessors' rolls) is hereby
15 amended by repealing the words "the Clerk of each Warden's Court in each district shall for each place where such Court is usually held," and substituting in lieu thereof the words "the Clerk of the Warden's Court at each place where such Court is usually held, whether within or beyond the mining district, shall."

Assessors' roll.

20 10. Section two hundred and eighty-one of the principal Act (relating to the appellate jurisdiction of District Courts) is hereby amended by repealing the words "being the District Court sitting in the district wherein such decision was given," and substituting in lieu thereof the words "being the District Court having jurisdiction over
25 the mining district within which or in respect of which the decision was given."

Appellate jurisdiction of District Courts.

30 11. Where land situate in a mining district is taken under "The Public Works Act, 1894," a copy of the Proclamation shall be deposited with the Mining Registrar for registration, and the Registrar shall register the same as on the hour and date of its being so deposited.

Registration of Proclamation taking land under Public Works Act.