



ANALYSIS

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1961, No. 115

An Act to amend the Mining Act 1926

[1 December 1961

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

1. Short Title—This Act may be cited as the Mining Amendment Act 1961, and shall be read together with and deemed part of the Mining Act 1926* (hereinafter referred to as the principal Act).

2. Mining township leases—(1) Sections 45 and 47 of the principal Act are hereby repealed.

(2) Notwithstanding the repeal of the said sections 45 and 47, any lease in force at the passing of this Act granted under either of those sections, or the corresponding provisions of any former Act, shall continue in force and have effect in all respects and, in the case of a lease under the said section 45 or any corresponding former provision, may be renewed under the provisions of the principal Act, as if subsection (1) of this section had not been enacted.

*1957 Reprint, Vol. 10, p. 1
Amendment: 1960, No. 72

(3) Section 48 of the principal Act is hereby amended—

(a) By omitting the words “either of the two last preceding sections”, and substituting the words “section 46 of this Act”:

(b) By omitting the words “those sections”, and substituting the words “that section”.

3. Mining districts—(1) Section 64 of the principal Act is hereby amended by omitting from paragraph (e) the words “and district”.

(2) Section 363 of the principal Act is hereby amended by repealing rule (7), and substituting the following rule:

“(7) The statement of claim shall state the plaintiff’s address for service, and all notices to be served on the plaintiff may be served at that address.”

(3) Notwithstanding anything in any provision of the principal Act or of any regulations under that Act requiring an address for service to be stated in any application, statement of claim, notice, or other document, any address for service so stated need not be within a mining district.

4. Ordinary alluvial claims—(1) Section 91 of the principal Act is hereby repealed.

(2) Section 92 of the principal Act is hereby amended by omitting the words “Subject to the provisions of the last preceding section”.

5. Licensed gold dealers—(1) Subsection (1) of section 395 of the principal Act is hereby amended by adding the following proviso:

“Provided that where a licensed dealer sells gold, delivery of the gold may be effected through the Post Office.”

(2) Section 406 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

“(2) Where in accordance with subsection (1) of section 395 of this Act delivery of gold is effected through the Post Office, then, without limiting the provisions of section 407 of this Act, the postal article containing the gold shall be sent by registered post or insured post and an advice of delivery obtained. The signing by the addressee or his agent of the advice of delivery card shall, when the card is affixed by the gold dealer in his gold dealer’s book or is retained by the gold dealer and a reference thereto is entered in his gold dealer’s book, be deemed to be compliance with the foregoing provisions of this section.”

6. Delegation of Minister's powers—(1) The Minister may from time to time, by writing under his hand, delegate to the Under-Secretary of Mines or to any other officer or officers of the Mines Department any of his powers under the principal Act or under any regulations made under that Act.

(2) The officer or officers referred to in subsection (1) of this section may be an officer or officers referred to by name, or the officer or officers who for the time being hold any specified position or positions in the Department.

(3) Subject to any general or special conditions attached by the Minister, the person to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

(4) Every person purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(5) Every delegation under this section shall be revocable in writing at will, and no such delegation shall prevent the exercise of any power by the Minister.

(6) Every delegation made under this section shall, until it is revoked, continue in force according to its tenor, notwithstanding that the Minister may have ceased to hold office, and shall continue to have effect as if made by his successor in office.

(7) Every reference to the Minister in any Act, regulation, order, application, notice, licence, or document whatsoever shall, in relation to any power that the Minister has delegated to the Under-Secretary of Mines or to any other officer of the Mines Department under this section, be read as a reference to the Under-Secretary of Mines or to that other officer, as the case may be.

This Act is administered in the Mines Department.
