

New Zealand



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Governor may make regulations. 3. Land Boards may issue leases subject to provisions of "The Land Act, 1892." 4. Applications for occupation leases to be as prescribed in "The Land Act, 1892." 5. Applications to be referred to Warden. 6. Term of license. Area. Rent. 7. Holders of 100 acres or more barred. 8. No right to acquire freehold, and land to be open for mining. | <ol style="list-style-type: none"> 9. Land may be resumed on compensation. 10. Renewal of lease may be applied for. 11. If renewal not accepted, lease to be offered at auction. 12. Rent to be paid to a special account. 13. Payments from special account authorised. 14. Balances to be paid to local authority. 15. Repeals. 16. Holders of occupation licenses may exchange licenses for leases. |
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1894, No. 53.

<p>Title.</p> <p>Short Title.</p> <p>Governor may make regulations.</p> <p>Land Boards may issue leases subject to provisions of "The Land Act, 1892."</p>	<p>AN ACT to provide for the Issue of Occupation Leases within Mining Districts. [24th October, 1894.]</p> <p>BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—</p> <p>1. The Short Title of this Act is "The Mining Districts Land Occupation Act, 1894."</p> <p>2. The Governor may from time to time make, alter, or revoke regulations—</p> <p style="padding-left: 20px;">For the issue of leases for the occupation for agricultural or horticultural purposes—</p> <p style="padding-left: 40px;">(a.) Of any Crown lands within a mining district;</p> <p style="padding-left: 40px;">(b.) Of any reserve not being a Native reserve or land reserved for Native purposes, or an education or university endowment, or any reserve vested in trustees or any local body;</p> <p style="padding-left: 40px;">(c.) Of any Native reserve set apart for mining:</p> <p style="padding-left: 20px;">For prescribing a form of application and declaration under this Act, and the penalty for any false statement.</p> <p>3. Every lease under the authority of this Act shall be issued by the Land Board of the district in which the land is situated, and shall be signed by the Commissioner, and shall, if so signed, be as effectual as if executed by or on behalf of Her Majesty, and shall be subject, <i>mutatis mutandis</i>, to the provisions of "The Land Act, 1892," relating to leases and transfers.</p>
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4. Every application for an occupation lease shall be made as nearly as may be in the manner prescribed in "The Land Act, 1892," or any Act amending the same, and shall be accompanied by the deposit and declaration as nearly consistent therewith as the circumstances shall require.

Applications for occupation leases to be as proscribed in "The Land Act, 1892."

5. Every application for an occupation lease shall be referred to the Warden of the mining district in which the land is situate for his opinion as to whether the granting of the same would or would not prejudicially affect any mining purpose, licensed holding, special claim, water-race, or other mining right or privilege acquired under the provisions of "The Mining Act, 1891," and any amendment thereto, and the Board shall consider such opinion before giving a decision on any application.

Applications to be referred to Warden.

The Board shall also consider whether the granting of the application would prejudicially affect the profitable or convenient occupation of the other Crown lands adjacent to or affected by such application; and may in their discretion grant or refuse any application.

In the event of the Board deciding to grant the application, and if the land is not already surveyed, a survey shall forthwith be made at the cost of the applicant.

6. Every lease granted under the authority of this Act shall be for a term of twenty-one years, to be reckoned from the next first day of January or July following the date of the granting thereof, or following thirty days' notice of the completion of the survey thereof, as the case may be, and shall, in addition, include the period between the date of lease and such day.

Term of license.

(1.) The area shall in no case exceed one hundred acres, and the lease shall contain an express condition that the lessee shall reside upon such area. In cases where applicants for leases under this Act already hold a residence area or business license under "The Mining Act, 1891," or a freehold village allotment, lease, or license under any Land Act, on which a house has been erected and other substantial improvements of a permanent character have been made, leases may be issued for an area not exceeding ten acres without requiring residence, if the said area be situated within a radius of three miles of such residence area, freehold village allotment, lease, or license.

Area.

(2.) The yearly rental in respect of every lease shall be fixed by the Board, but shall not be less than sixpence per acre per annum, and shall be payable in equal parts half-yearly in advance on the first day of January and July in each year to the Receiver of Land Revenue for the district in which the land is situate.

Rent.

7. No person who is the owner of any freehold, or is the lessee or licensee under "The Mining Act, 1891," or any land Act, or under any person, company, or corporation, shall become the holder of an occupation lease under this Act of an area which will increase his holding to more than one hundred acres.

Holders of 100 acres or more barred.

8. No lessee shall have the right to acquire the freehold of any part of the land comprised in his lease, and, with the sanction of the Warden, free access over such land shall be given for holders of miners' rights to prospect for gold, and to mark out and take up claims, and to make surveys of the proposed course and position of any race, dam, tunnel, tramway, or other works incidental or conducive

No right to acquire freehold, and land to be open for mining.

to mining; and, subject to the approval of the Warden, as hereinafter provided, to construct any race, dam, tunnel, tramway, or other mining work. The Warden may, upon payment of compensation to lessee, as hereinafter provided, grant within such lease any claim, race, dam, tunnel, tramway, or other mining privilege.

Land may be resumed on compensation.

9. The Warden may, upon receipt of any application for permission to mine or use for mining purposes any land or any portion of any land for which a lease has been issued under the authority of this Act, and after hearing the parties, decide that the whole or any portion of such land is required for mining purposes or purposes incidental or conducive thereto; and the Commissioner, with the consent of the Land Board, may, by notice served upon the lessee or posted on the ground, resume possession of the said land, and upon such resumption the lessee shall be entitled to compensation for any substantial improvements made upon or incidental to the area so resumed, provided that such compensation shall in no case be payable to an extent exceeding the value of the improvements as assessed under "The Land and Income Assessment Act, 1891"; and in cases where there is no such assessment the compensation shall be arrived at in the same manner as valuations for improvements under "The Land Act, 1892."

If any portion of a lease be cancelled for any mining or other purpose, the lessee shall have a right to apply for so much of the adjoining Crown land as will equal in area such portion so cancelled.

Renewal of lease may be applied for.

10. Should the land for which a lease has been issued not be required for mining purposes, or, if a reserve, for the purpose for which it was originally reserved, on the lessee applying for the same at least twelve months before the expiration of his lease, a new lease for a further term of twenty-one years, to date from the expiration of his lease, shall be offered to the lessee at a rental to be assessed by arbitrators in manner provided by "The Land Act, 1892"; and in like manner, at every recurring period of twenty-one years, a new lease shall be offered to the lessee.

If renewal not accepted, lease to be offered at auction.

11. If the lessee shall elect not to accept a renewal as above mentioned, or shall refuse or neglect to execute a lease within thirty days after the same is tendered to him for the purpose, then a lease of the said lands shall, not later than one month before the end of the term for which the existing lease was granted, be offered for sale by public auction, subject to the provisions of section one hundred and eighty-three of "The Land Act, 1892."

Rent to be paid to a special account.

12. All moneys payable for lands applied for or held under authority of this Act shall be paid by every Receiver of Land Revenue into the Public Account, to the credit of a special account to be kept by the Colonial Treasurer, to be called "The Mining Districts Land Occupation Account."

Payments from special account authorised.

13. Without any further appropriation than the authority of this Act, the Colonial Treasurer may pay out of the moneys to credit of the aforesaid account any claim that may from time to time arise for the survey or other expenses that may be incurred by the Government in respect of lands applied for or held under this Act, not exceeding in any case the sum of three shillings an acre, or for

compensation for any resumption under this Act not exceeding the amount hereinbefore defined.

14. At the end of every financial year, one-half of any money received during the said year and then standing to the credit of the Mining Districts Land Occupation Account shall be transferred to the County Council or to the Road Board of the district in which the money is collected. Balances to be paid to local authority.

15. Sections two hundred and thirty and two hundred and thirty-one of "The Mining Act, 1891"; clause eighty-one, subclauses (a) to (s), of the regulations made thereunder, dated the twenty-third day of December, one thousand eight hundred and ninety-one; the amendment in subclause (o) made by regulation dated the twenty-seventh day of February, one thousand eight hundred and ninety-two; the whole of subsection six of section three of "The Mining Act Amendment Act, 1892," in respect of occupation licenses; and the regulations made thereunder, dated the first day of March, one thousand eight hundred and ninety-three, are hereby repealed. Repeals.

16. The holders of occupation licenses under "The Mining Act, 1891," may apply to the Warden's Court to exchange their licenses for leases under this Act after advertising such intention in a local newspaper, and on the recommendation of the Warden the Land Board may grant leases under this Act in lieu thereof. Holders of occupation licenses may exchange licenses for leases.