

ATOMIC ENERGY AMENDMENT BILL

EXPLANATORY NOTE

THE purpose of this Bill is to protect mining privileges granted in respect of prescribed substances (which are substances which may be used for the production of atomic energy) in cases where the Crown is party to an instrument affecting any such privilege.

In any such case, on the registration of a certificate by the Minister to the effect that any such instrument has been signed, the privilege will not be subject to cancellation, forfeiture, or abandonment.

On the determination of the instrument, registration of a further certificate will free the mining privilege from the instrument but the privilege will remain in force for a further two years unless the original term of the privilege expires later than the end of the two-year period, in which case it will continue for the period for which it was granted.

The holder of a mineral prospecting warrant in respect of which a certificate has been registered will be entitled to a mineral licence in respect of such area contained in the warrant as will enable him to mine for prescribed substances to the best advantage.

Hon. Mr Hackett

ATOMIC ENERGY AMENDMENT

ANALYSIS

Title		2. Provisions where Crown party to instrument affecting mining privilege
1. Short Title		

A BILL INTITULED

An Act to amend the Atomic Energy Act 1945

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

1. Short Title—This Act may be cited as the Atomic Energy Amendment Act 1959, and shall be read together with and deemed part of the Atomic Energy Act 1945 (hereinafter referred to as the principal Act).

10 **2. Provisions where Crown party to instrument affecting mining privilege**—The principal Act is hereby amended by inserting, after section five A, as inserted by section six of the Atomic Energy Amendment Act 1957, the following section:

15 “5B. (1) Where any instrument in writing affecting a mining privilege relating to prospecting or mining for a prescribed substance has been signed by the Minister acting on behalf of Her Majesty and by the holder of the privilege

(whether or not any other person is a party to and has signed the instrument), the Minister may sign a certificate addressed to the Registrar of the mining district in which the privilege is registered setting out:

“(a) The date of the instrument; 5

“(b) The registered number and class of the mining privilege;

“(c) The fact that the Minister and the holder of the mining privilege are parties to the instrument; and

“(d) A statement to the effect that the instrument affects 10 the mining privilege.

“(2) On the presentation of any certificate under subsection one of this section, the Registrar shall register the certificate.

“(3) Notwithstanding the provisions of the principal Act, or of the Mining Act 1926, or of the mining privilege, on the registration of a certificate under subsection one of this section, the mining privilege to which the certificate relates shall not, during the period beginning with the date of the registration of the certificate and ending two years after the date of the registration of a further certificate given under subsection four of this section cancelling the earlier certificate, expire by effluxion of time nor shall it be liable to be cancelled or forfeited nor shall it be deemed to be abandoned for any cause whatever. 20

“(4) On the discharge, cancellation, expiry by effluxion 25 of time, revocation, frustration, or other determination of any instrument in respect of which a certificate under subsection one of this section has been given, the Minister may sign a further certificate, addressed to the appropriate Registrar, to the effect that the instrument has been determined. 30 Before signing any such further certificate the Minister shall give to the holder of the mining privilege to which the certificate relates not less than twenty-eight days' notice in writing of his intention to do so.

“(5) On the registration of any certificate under subsection four of this section, the mining privilege to which it relates shall be deemed to be no longer subject to the instrument to which the certificate relates, and the certificate registered under subsection two of this section in respect of the instrument shall be deemed to be cancelled. 40

“(6) Where a mining privilege is continued in force under this section beyond the term for which it was granted, the rent payable for the period in excess of that term shall be at the yearly rate prescribed under the Mining Act 1926 in respect
5 of the last year of the aforesaid term.

“(7) Notwithstanding the provisions of section five A of the principal Act, or of the Mining Act 1926, the holder of any mineral prospecting warrant affected by an instrument in respect of which a certificate has been registered under sub-
10 section two of this section shall be entitled to a mineral licence under section one hundred and six of the Mining Act 1926 in respect of such part of the area comprised in the mineral prospecting warrant as may be reasonably necessary to enable the prescribed substances specified in the mineral licence to be
15 mined to the best advantage.

“(8) Any certificate under this section shall be deemed to be capable of registration under the Mining Act 1926 and shall be registered without fee upon the presentation thereof to the Registrar by or on behalf of the Minister. No instru-
20 ment in respect of which any such certificate has been given shall be deemed to be capable of registration as aforesaid.”