

Hon. Mr. Fraser.

MINING AMENDMENT.

ANALYSIS.

- | | |
|---|--|
| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Section 43 of principal Act amended. 3. Section 138 of principal Act amended. 4. Section 234 of principal Act amended. 5. Section 235 of principal Act amended. 6. Misfires. 7. Section 254 of principal Act amended. 8. Spring catches. Repeal. 9. Additional general rules. 10. Print of sections to be exhibited. 11. Bath-houses to be provided. 12. Latrine accommodation. 13. Section 261 of principal Act amended. 14. Workmen may require mine to be inspected. Repeals. 15. Inspector may summarily stop mining operations in case of immediate danger. 16. Men to be withdrawn where danger from noxious gases exists. 17. Official inquiries as to accidents. 18. Penalties and application thereof. 19. Appliances to be provided by owners. 20. Procedure for recovery of fines. | <ol style="list-style-type: none"> 21. Duty of Inspector to institute proceedings. 22. Regulations. 23. Application of section 393 of principal Act. 24. Advances for irrigation-works. 25. Authority to borrow moneys for purposes of Part X of principal Act. Repeal. 26. Section 359 of principal Act amended. 27. Section 16 of Amendment Act, 1910, amended. Repeal. 28. Section 8 of Amendment Act, 1911, amended. 29. Qualifications of Inspectors of Mines. 30. Annual medical examination of winding-engine drivers. 31. Power of Registrar to revise the register of mining privileges. 32. Compensation not payable in respect of auriferous or argentiferous value of land in respect of which claim for compensation made. Compensation not payable in respect of minerals and precious stones in certain cases. Repeal. 33. Saving of rights to compensation where title to minerals established by judgment of Supreme Court or on appeal. Repeal. |
|---|--|

A BILL INTITULED

An Act to amend the Mining Act, 1908.

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

1. This Act may be cited as the Mining Amendment Act, 1913, and shall form part of and be read together with the Mining Act, 1908 (hereinafter referred to as the principal Act).

10 2. Section forty-three of the principal Act is hereby amended by omitting the words “twenty-one years” (where they first occur), and substituting the words “forty-two years.”

Title.

Short Title.

Section 43 of principal Act amended.

Section 138 of
principal Act
amended.

3. Section one hundred and thirty-eight of the principal Act is hereby amended by omitting paragraph (c), and substituting the following paragraph:—

“(c.) In the case of a special site, to use the site as a battery-site, a machine-site, a site for the deposit or treatment of gold or tailings, a site for any of the purposes for which a water-race license may be granted, or a site for any other purpose specified in the license.”

Section 234 of
principal Act
amended.

4. Section two hundred and thirty-four of the principal Act is hereby amended by omitting the words “such experience being in the case of a candidate for a mine-manager’s certificate not less than five years’ actual employment in the underground workings of a mine,” and substituting therefor the following words “such experience being not less than three years’ actual employment in the underground workings of a mine, in the case of a candidate for a mine-manager’s certificate who is the holder of the degree of Bachelor of Engineering (Mining), conferred by the New Zealand University, nor less than five years’ actual employment in such workings in the case of any other candidate for a mine-manager’s certificate.”

Section 235 of
principal Act
amended.

5. Section two hundred and thirty-five of the principal Act is hereby amended by inserting, after the word “status,” the words “or of an alluvial mine-manager’s certificate of competency.”

Misfires.

6. (1.) Section two hundred and fifty-four of the principal Act is hereby amended by omitting from subparagraph (j) of paragraph (3) the words “three hours have,” and substituting the words “one hour has.”

(2.) In the case of electric firing no workman shall be permitted to return to a misfire within half an hour thereafter.

Section 254 of
principal Act
amended.

7. Section two hundred and fifty-four of the principal Act is hereby further amended by repealing paragraph (24), and substituting the following:—

“(24.) Before any winding-rope is used for raising or lowering persons in a mine a full and accurate description of the rope shall be supplied to the Inspector and his authority in writing to use the rope for the said purpose shall be obtained.”

“(24A.) Every winding-rope shall be recapped at intervals of not more than six months, and no winding-rope which has been in use for more than three and a half years, or has been spliced, shall be used for raising or lowering persons in a mine.”

Spring catches.

8. (1.) Spring catches, or automatic or self-acting doors, or tumblers of a suitable kind, shall be affixed to the pit-head frame below the pulleys of every shaft in which a cage is used, to prevent the fall of such cage when detached from the rope or chain.

Repeal.

(2.) Paragraph (28) of section two hundred and fifty-four of the principal Act is hereby repealed.

Additional general
rules.

9. The following additional general rules shall be observed in every mine, and shall be deemed to be incorporated in section two hundred and fifty-four of the principal Act:—

(a.) All air-measurements shall be taken at the entrance of each ventilating-section, and shall be not less in volume than

the minimum allowances prescribed respectively for every man and horse or other animal per minute.

- (b.) The total number of men ordinarily employed in any ventilating-section shall not exceed seventy.
- 5 (c.) In every case where dredging or other mining machinery can be oiled, repaired, or adjusted when stationary, no such machinery shall be oiled, repaired, or adjusted when in motion; and in cases where such machinery cannot be oiled or adjusted except when in motion, such oiling or adjusting shall be done only by a competent and experienced person.
- 10 (d.) No person engaged on or in close proximity to dredging or other mining machinery shall wear loose or flowing outer clothing.
- 15 (e.) The fuse known as instantaneous fuse shall not be used at or in any mine.
- (f.) Every working-place in any underground mine where rock-drills are in use shall be furnished to the satisfaction of the Inspector with an adequate water-blast or other suitable appliance for laying the dust, smoke, and gases after a blast; and no workman shall be permitted to return to an end, rise, winze, or other close place until the air is reasonably free from dust, smoke, and fumes caused by the blast.
- 20 (g.) Where water is required by regulations to be used for the laying of dust it shall be the duty of the owner to provide and maintain a sufficient supply of water in the mine for that purpose.
- 25

10. A printed copy of the *two last preceding* sections shall be posted in the office or on some building or board in a conspicuous place in connection with every mine.

Print of sections to be exhibited.

11. (1.) Subject as hereinafter provided, bath-houses supplied with hot and cold water and of a design prescribed by regulations shall be erected and maintained by the owner at every mine for the use of workmen and other persons employed therein:

Bath-houses to be provided.

Provided that this section shall not apply to mines in which not more than ten men are employed, or to open alluvial mines.

(2.) The owner shall not be compelled to erect bath-houses until a vote of the workmen working underground in the mine has been taken, nor unless at least seventy-five per centum of the men where the number is twenty or under, at least fifty per centum where the number is over twenty but not over fifty, and at least thirty per centum where the number is over fifty, vote in favour of the erection of bath-houses.

45 (3.) If in the opinion of the mine-manager sufficient use is not made of the baths, he may give notice to the workmen's inspectors that he proposes to take a tally of the men using the baths within a period of one month, and if it is found that the total number using the baths is on the average less than twenty per centum of the men employed underground, it shall be optional with the mine-
50 manager whether he keeps the baths open or not.

(4.) If the baths are closed under the powers of the *last preceding* subsection, no vote shall be taken to re-open the same for at least three months.

(5.) If a tally is taken under subsection *three* hereof by the mine-manager, full facilities shall be given to the workmen's inspectors to take a similar tally over the same period. 5

Latrine accommodation.

12. In each underground mine latrine accommodation shall be provided and maintained as prescribed by regulations, both underground and on the surface, at or near the entrance of the mine, but not in the line of the intake airway. 10

Section 261 of principal Act amended.

13. (1.) Section two hundred and sixty-one of the principal Act is hereby amended as follows:—

(a.) By omitting from paragraph (a) the words "and to the Warden"; and

(b.) By omitting from paragraph (b) the words "who shall report on the same to the Warden." 15

Workmen may require mine to be inspected.

14. (1.) Where workmen are employed in a mine or any of the workmen so employed are members of a society formed in connection with the mining industry, such workmen or society may at their own cost appoint any two persons (whether employed in the mine to be inspected or not) to inspect the mine, but no discharged employee of the mine shall be so appointed except with the consent of the manager of the mine. 20

(2.) The persons so appointed (hereinafter referred to as the workmen's inspectors) shall have full liberty to make an inspection of every part of the mine, and its machinery and workings, once in every month. 25

(3.) In addition to the right of inspection provided in the *last preceding* subsection, the workmen's inspectors shall have full liberty to make an inspection as aforesaid at all reasonable times, on receiving written notice signed by two or more workmen employed in the mine setting forth that the mine is in their belief in a condition dangerous to life, and stating the grounds of such belief: 30

Provided that before the workmen's inspectors exercise the additional right of inspection hereby given they shall first notify the mine-manager in writing under their hands of their intended inspection and of the time thereof, and of the reason for making the same. 35

(4.) The owner and mine-manager may accompany the workmen's inspectors on any such inspection, and shall give them full and free facilities for the inspection. 40

(5.) The workmen's inspectors shall make a full and accurate report in writing of the result of their inspection, and shall within twenty-four hours of the making of such inspection furnish a copy of such report to the mine-manager, who shall cause the same to be recorded in a book kept at the office of the mine; and if the report is that the mine or any part thereof is dangerous to life, the mine-manager shall forthwith forward a copy of the report to the Inspector. 45

(6.) On any such inspection the workmen's inspectors may, if they report as aforesaid that the mine or any part thereof is dangerous to life, by notice in writing under their hands, request the mine-manager to cease work in the mine or dangerous part, or 50

to withdraw the men therefrom and remedy any dangerous condition, or to discontinue any dangerous practice referred to in the report.

(7.) If the mine-manager fails to comply with such notice within a reasonable time, the workmen's inspectors may forward to the Inspector a copy of their report, and request him to withdraw the men from the mine or dangerous part, or to have the dangerous practice discontinued.

(8.) If on the information of the Inspector it is proved to the satisfaction of the Court that the mine or part thereof was dangerous at the time of the inspection by the workmen's inspectors, or that a dangerous practice then existed, and that the mine-manager failed, without reasonable excuse, to comply with the request of the workmen's inspectors, he shall be deemed guilty of an offence under this Act.

(9.) All books in which any such report as aforesaid is recorded shall at all reasonable times be open for the inspection of the Inspector or of any workman employed in the mine or of any officer of the said society, and any such person may take copies or extracts from the reports recorded therein.

(10.) Section two hundred and sixty-four of the principal Act, paragraph (s) of section nineteen of the Mining Amendment Act, 1910, and section seven of the Mining Amendment Act, 1911, are hereby repealed.

Repeals.

15. (1.) Where in the opinion of the Inspector, a mine, or any part thereof, or any practice therein, is immediately dangerous to life he may, by notice in writing addressed in general terms to the person for the time being in charge of the mine and delivered at the mine, require such person to withdraw the workmen from such mine or part thereof (except such workmen as are required to effect the necessary work to put the same in safe condition), or to discontinue the said practice; and mining operations shall not, save in pursuance of an order made by the Warden under this section, be resumed in the mine or the said part thereof, as the case may be, until the Inspector has certified in writing under his hand that the mine, or such part thereof as aforesaid, has been made safe to his satisfaction, or that such practice has been discontinued.

Inspector may summarily stop mining operations in case of immediate danger.

(2.) The person for the time being in charge of the mine shall immediately upon the said notice coming to his knowledge take active steps to comply with the same, in default whereof he shall be liable to a fine not exceeding one hundred pounds.

(3.) Any owner, agent, mine-manager, or person in charge of a mine who directs or wilfully allows mining operations or any practice to be resumed or continued in breach of this section shall be liable to a fine not exceeding one hundred pounds for every day or part of a day on or during which such operations or practice shall be resumed or continued.

(4.) The Inspector shall forthwith, after giving such notice as aforesaid, send a copy thereof to the Minister and report to him in writing his reasons for giving the notice.

(5.) If the owner objects to comply with the terms of the notice, he may, within seven days after the delivery thereof to the person for the time being in charge of the mine, as provided in subsection one

hereof, send his objections in writing, stating the grounds of his objections, to the Warden, and shall also send a copy of the same to the Inspector, who shall report on the same to the Warden.

(6.) The Warden shall fix a time for the hearing of the objections, and shall cause notice to be given to the owner and to the Inspector of the time so fixed. 5

(7.) On the hearing the Warden may by order confirm, reverse, or modify the notice as he thinks fit, and such order shall be final and binding on all parties.

(8.) Until an order is made by the Warden under the *last* 10 *preceding* subsection the said notice shall have full effect, and mining operations shall be suspended in the mine or such part thereof as aforesaid, unless the Inspector has previously given a certificate under subsection *one* of this section.

(9.) Without prejudice to the liability of the aforesaid penalties, 15 jurisdiction is hereby given to the Supreme Court to restrain any breach or threatened breach of this section by injunction at the instance of the Inspector, and to make such order in the matter as to costs and otherwise as it thinks fit.

(10.) No person shall be deemed to be precluded by any contract 20 or agreement from doing such acts as may be necessary to comply with any of the provisions of this section, or be liable under any contract or agreement to any penalty or forfeiture for doing such acts.

Men to be
withdrawn where
danger from
noxious gases
exists.

16. (1.) If at any time the person for the time being in charge 25 of the mine or any part thereof has reason to believe that by reason of the prevalence of noxious gases, or of any cause whatever, the mine or any place in the mine is dangerous, he shall withdraw every workman from the mine or such place, and shall inspect or cause some competent person to inspect the mine or place, and the person inspecting shall make a full and accurate report of the 30 condition of the mine or place; and a workman shall not, except in so far as is necessary for inquiring into the cause of danger, or for the removal thereof, or for exploration, be readmitted into the mine or place until the same is reported by the person in charge, or some competent person authorized by him in that behalf, not to 35 be dangerous.

(2.) Every such report as mentioned in the *last preceding* sub- 40 section shall be recorded in a separate book kept at the mine, and shall be signed by the persons who made the inspection and reported that the danger no longer existed.

(3.) If a workman discovers the presence of noxious gas in his working-place, he shall immediately withdraw therefrom and inform the shift-boss.

Official inquiries
as to accidents.

17. Section two hundred and sixty-six of the principal Act is hereby amended by repealing section four thereof, and substituting 45 the following subsection:—

“(4.) The inquiry shall be held before a Court consisting of the Warden sitting with two assessors (appointed by the Warden), one of whom shall be the holder of a first-class certificate as a mine-manager and the other shall be a workman employed in the 50 mine.”

18. The provisions of sections two hundred and seventy-five and two hundred and seventy-six of the principal Act shall extend and apply to offences under this Act, with respect to the working, regulation, or inspection of mines. Penalties and application thereof
- 5 19. All appliances, works, and structures required by the principal Act or this Act to be provided or constructed in or at mines or any mine shall be provided or constructed, kept in good repair and condition, maintained, and, when necessary, renewed by the owner. Appliances to be provided by owners.
- 10 20. Section three hundred and ten of the principal Act shall apply to the case of the recovery of fines imposed by this Act or by any regulations thereunder, and the provisions of the said section shall, *mutatis mutandis*, apply accordingly. Procedure for recovery of fines.
- 15 21. It shall be the duty of the Inspector of a mining district to prosecute every person whom he has reason to believe has committed within the mining district any serious breach of any provision of the principal Act, or of this Act, or of any regulation made thereunder respectively, unless he is satisfied that the appropriate proceedings in respect of the same breach have been instituted, and are being duly carried on by some other person empowered in that behalf : Duty of Inspector to institute proceedings.
- 20 Provided always that no person shall be punished twice for one and the same offence.
- 25 22. (1.) In addition to other regulations authorized to be made under the principal Act or this Act, the Governor may from time to time make regulations— Regulations.
- 30 (a.) Providing for the issue of certificates of competency and service for managers of alluvial mines, and applying the provisions of section two hundred and thirty-five of the principal Act to the case of corresponding certificates granted outside New Zealand :
- 35 (b.) Requiring adequate ventilation in mines, and classifying mines in relation to the amount of noxious gases therein and to temperature, and providing for the measuring and distributing of air in mines, and compelling the use of mechanical ventilating-appliances :
- 40 (c.) Prescribing, for the purposes of ventilation, the method of putting up and the height of rises, and the carrying-up of air-passes in stopes :
- 45 (d.) Prescribing the designs of bath-houses and sanitary appliances at mines, and regulating the construction, maintenance, equipping, control, and use thereof respectively :
- 50 (e.) Providing for the supply and maintenance of fire-extinguishing appliances, and of appliances for use in rescue-work, and for the formation and training of rescue brigades, and providing also for the supply and maintenance of ambulance appliances at mines, and the training of men in ambulance-work :
- (f.) Regulating the depasturing of stock upon lands within mining districts, and the number of cattle which may be run thereon by holders of miners' rights or by other

persons, and for the issue of depasturing licenses, and fixing the fees payable therefor :

- (g.) Imposing penalties upon the owners of horses, cattle, sheep, or other animals illegally depasturing on such lands, and providing for the recovery from such owners, in addition to any other penalty, of the cost of removing such animals from the said lands. 5

(2.) All penalties recovered pursuant to regulations under paragraph (f) or paragraph (g) of the *last preceding* subsection shall be paid to the local authority of the district in which the lands depastured on are situated, or, if the said lands are under the control of any Board or Trustees, shall be paid to the said Board or Trustees. 10

23. Section three hundred and ninety-three of the principal Act shall apply to all regulations made under this Act.

24. (1.) Part X of the principal Act (relating to advances to companies and persons for the development of mining) shall, *mutatis mutandis*, extend and apply to advances for the construction and maintenance of irrigation-works; and references in the said Part X to mining operations shall, for the purposes of this section, be deemed to be references to irrigation-works. 15 20

(2.) In the case of an application for an advance for the construction and maintenance of irrigation-works under this section the report of the Board shall specify the character of the land proposed to be irrigated and the nature and suitability of the proposed irrigation-works, and shall also specify such further or other particulars as the Minister may require. 25

25. (1.) For the purposes of Part X of the principal Act the Minister of Finance, on being authorized by the Governor in Council so to do, may from time to time raise, on the security of and charged upon the public revenues of New Zealand, such sums of money as he thinks fit, not exceeding in each financial year the sum of twenty thousand pounds. 30

(2.) The sums so raised shall bear interest at such rate not exceeding *five* per centum per annum as the Minister of Finance prescribes. 35

(3.) This Act shall be deemed to be an authorizing Act within the meaning of the New Zealand Loans Act, 1908, and the moneys hereby authorized to be raised shall be raised under and subject to the provisions of that Act accordingly.

(4.) All moneys raised as aforesaid shall be paid into the Public Account to the credit of a separate account called the Mining Advances Account, and all moneys standing at the commencement of this Act to the credit of the Guaranteed Mining Advances Branch of the New Zealand State-guaranteed Advances Office shall be transferred to the said account. 40 45

(5.) All payments of principal or interest hereafter made in respect of advances by way of loan which have heretofore been granted or which may hereafter be granted for the purposes of Part X of the principal Act shall be paid into the Mining Advances Account.

(6.) There shall be paid out of the said account— 50

(a.) All costs and expenses incurred in raising moneys under this section and all interest on such moneys.

Application of section 393 of principal Act.

Advances for irrigation-works.

Authority to borrow moneys for purposes of Part X of principal Act.

(b.) All sums authorized to be advanced for the purposes of Part X of the principal Act.

5 (c.) All sums payable to a sinking fund, as provided in the State Advances Act, 1913, in respect of moneys heretofore raised for the purposes aforesaid and deemed not to form part of the public debt; and also (by way of refund to the Consolidated Fund) all sums paid out of the Consolidated Fund pursuant to the Public Debt Extinction Act, 1910, in respect of moneys hereafter raised for the purposes aforesaid, or in respect of moneys heretofore raised and deemed to form part of the public debt.

(d.) Any sums that may be available for paying off debentures or other securities issued for the purposes of this section.

15 (e.) Any other charges incurred in respect of the administration of Part X of the principal Act which the Minister of Finance may approve.

(7.) Part V of the New Zealand State-guaranteed Advances Act, 1909, is hereby repealed. Repeal.

20 26. Section three hundred and fifty-nine of the principal Act is hereby amended by inserting, after the words "per annum," the words "or at such higher rate as may be mutually agreed on." Section 359 of principal Act amended.

25 27. (1.) Section sixteen of the Mining Amendment Act, 1910, is hereby amended by omitting all the words of subsection four after the words "relief of miners," and substituting the words "who are incapable of following their calling by reason of pneumoconiosis, and for the relief of the families of miners who die or have died from that disease." Section 16 of Amendment Act, 1910, amended.

30 (2.) Subsection four of the said section sixteen shall not apply to any miner who has not been resident in New Zealand for at least three years before the date of his application for relief, or to the family of any miner who was not resident in New Zealand for at least three years immediately preceding the date of his death.

35 (3.) All applications for relief under the said section shall be made within twelve months after the date of the commencement of the incapacity of the miner or of the date of his death, as the case may be.

(4.) Section nine of the Mining Amendment Act, 1911, is hereby repealed. Repeal.

40 28. Section eight of the Mining Amendment Act, 1911, is hereby amended by omitting all words after the word "Board" where it first occurs down to and including the word "quorum," and substituting the following words: "the Inspecting Engineer of the Mines Department, the Inspector of Mines for the district to which 45 the application relates, and one other person to be appointed by the Minister as the occasion requires."

29. Every Inspector of Mines hereafter appointed shall be the holder of a first-class mine-manager's certificate. Qualifications of Inspectors of Mines.

50 30. (1.) Notwithstanding anything in section nine of the Mining Amendment Act, 1910, a winding-engine driver shall not be employed or continue to be employed at a mine unless he produces or has produced to the mine-manager a written certificate by a registered Annual medical examination of winding-engine drivers.

medical practitioner to the effect that he has within a year last past been medically examined by the said medical practitioner, and that on such examination he was found to be free from heart-weakness, liability to fits, defective hearing, and defective vision, or from any of the said defects. 5

(2.) Every winding-engine driver employed at a mine shall at any time, on request by the Inspector, produce to the Inspector a medical certificate under this section.

(3.) The owner shall pay the cost of every such examination and certificate made or given while the winding-engine driver is employed at the mine of such owner. 15

Power of Registrar to revise the register of mining privileges.

31. (1.) Where the Registrar has reasonable cause to believe that a registered mining privilege is not in operation, he shall send to the registered holder thereof by post a letter inquiring whether the mining privilege is in operation. 15

(2.) If within one month after sending the letter the Registrar does not receive any answer thereto, he shall, within fourteen days after the expiration of such month, send to the registered holder by post a registered letter referring to the first letter, and stating that no answer thereto has been received by him, and that if an answer is not received to the second letter within one month from the date thereof a notice will be published in the *Gazette* with a view to striking the mining privilege off the register. 20

(3.) If the Registrar either receives an answer from the registered holder to the effect that the mining privilege is not in operation, or does not within one month after sending the second letter receive any answer thereto, the Registrar may publish in the *Gazette* and send to the registered holder a notice that at the expiration of three months from the date of that notice the mining privilege mentioned therein will, unless cause is shown to the contrary, be struck off the register. 25 30

(4.) At the expiration of the time mentioned in the notice the Registrar may, unless cause to the contrary is previously shown by the registered holder, strike the mining privilege off the register, and shall publish a notice thereof in the *Gazette*. 35

(5.) If the registered holder or any other person feels aggrieved by the mining privilege having been struck off the register in pursuance of this section he may apply to the Warden, and the Warden, if satisfied that it is just so to do, may order the mining privilege to be restored to the register. 40

(6.) A letter or notice authorized or required for the purposes of this section to be sent to a registered holder may be sent by post addressed to him at his registered address.

Compensation not payable in respect of auriferous or argentiferous value of land in respect of which claim for compensation made.

32. (1.) Subject to the provisions of the *next succeeding* section, compensation shall in no case be payable in respect of the auriferous or argentiferous value of any land to which the claim for compensation relates. 45

Compensation not payable in respect of minerals and precious stones in certain cases.

(2.) Subject to the provisions of the *next succeeding* section, compensation shall in no case be payable in respect of the value of any minerals or precious stones on, in, or under any land to which the claim for compensation relates if such land is, at the time when the same is resumed or taken, open for prospecting without the 50

consent of the owner or occupier pursuant to the provisions of section fifty of the principal Act.

(3.) No person shall have any right or claim to compensation against His Majesty in respect of any matter arising under the principal Act, except in cases for which compensation is expressly provided by the principal Act.

(4.) Section two hundred and ninety-one of the principal Act is hereby repealed. Repeal.

33. (1.) Whereas it has been suggested that in some cases the owner or occupier of land may, as against His Majesty, be entitled in law to the deposits of gold and silver on, in, or under such land: And whereas it has been further suggested that in some cases the owner or occupier of land may, as against His Majesty, be entitled in law to extract for his own benefit the minerals and precious stones on, in, or under such land: And whereas it is just that in either case the claim of such owner or occupier to compensation should not be prejudicially affected by any of the provisions of the principal Act or of this Act: Be it therefore enacted as follows:—

Saving of rights to compensation where title to minerals established by judgment of Supreme Court or on appeal.

(a.) If any such person establishes his title as aforesaid by judgment of the Supreme Court or by appeal, then, in the event of such land being resumed for mining purposes, the compensation payable to him in respect of such land shall include the additional value attached to the land by reason of the existence of the right to which title shall have been so established, anything in the principal Act or this Act to the contrary notwithstanding:

Provided that the proceedings to establish such title have been commenced either before the gazetting of the Proclamation declaring the lands to be taken or resumed on behalf of His Majesty, or not later than six months thereafter.

(b.) The provisions of this section apply only in the case of land alienated from the Crown prior to the commencement of this Act.

(c.) Nothing herein shall be construed to in any way create or recognize the existence of any right or title of any nature or kind whatsoever in any person as against His Majesty.

(2.) Section two hundred and ninety-two of the principal Act is hereby repealed. Repeal.